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TEXAS  
LEGISLATIVE MANUAL  
1903.

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COLUMBIA UNIVERSITY  
POLITICS LABORATORY  
HAMILTON HALL

Texas Legislature

1913



COLUMBIA UNIVERSITY  
POLITICS LABORATORY  
HAMILTON HALL



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# TEXAS

## LEGISLATIVE MANUAL

FOR 1903.

COLUMBIA UNIVERSITY  
POLITICS LABORATORY  
HAMILTON 11.11.13

CONTAINING

RULES OF THE SENATE AND HOUSE, AND JOINT RULES, STANDING COMMIT-  
TEES OF THE SENATE AND HOUSE, LIST OF SENATORS AND REPRESENTATIVES,  
OFFICERS OF THE SENATE AND HOUSE, OF  
THE REGULAR SESSION OF THE TWENTY-  
EIGHTH LEGISLATURE.

ALSO

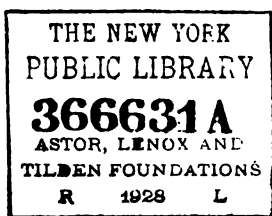
THE CONSTITUTION OF THE STATE OF TEXAS, AND  
OF THE UNITED STATES.



AUSTIN:

VON ROECKMANN-JONES COMPANY, STATE PRINTERS,  
1903.

*26*



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ASTOR, LENOX AND  
TILDEN FOUNDATIONS

## CONCURRENT RESOLUTION.

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### HOUSE CONCURRENT RESOLUTION No. 6.

In the House, January 26, 1903, read second time, and adopted.

BOB BARKER,  
Chief Clerk, House of Representatives.

In the Senate, March 13, 1903, read and adopted.

CLYDE D. SMITH,  
Secretary of the Senate.

*Be it resolved by the House of Representatives, the Senate concurring,*

That there be printed for the use of the House and Senate three hundred copies of the Texas Legislative Manual, which shall contain the rules of the House, rules of the Senate, and the joint rules of Senate and House, all of which shall be properly indexed; a list of the standing committees of the two houses, the names of the Senators and Representatives and their respective districts, the names of the officers of the House and Senate, and of the representatives of the press in attendance, the Constitution of this State and of the United States; and the Committee on Rules of the House, acting with the Senate Committee on Rules, is hereby authorized and instructed to have said copies bound and printed as follows, to-wit: Two hundred copies to be bound in flexible Morocco covers at an extra cost of not exceeding twenty-five cents per copy above the cost of the same books in flexible cloth, and that the remaining hundred copies be bound in flexible cloth, according to the specifications of the contract with the public printer. Three-fourths of such copies of each binding shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses, in the said proportions.



**RULES OF ORDER**  
**OF THE**  
**TWENTY-EIGHTH LEGISLATURE**  
**OF THE**  
**STATE OF TEXAS.**

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**RULES OF THE SENATE.**

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**QUORUM.**

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec. 10.)
2. In case a less number shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

**ABSENTEES.**

3. No member shall absent himself from the sessions of the Senate, without leave, unless he be sick, or unable to attend.
4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms, or a special messenger, may be sent for them, and the question pending shall be, without a motion, laid on the table until the absentees appear or the call be suspended.

**OFFICERS OF THE SENATE.**

5. The Lieutenant-Governor of the State shall, by virtue of his office, be President of the Senate. He shall preside over the deliberations of the Senate; decide all questions of order, subject to appeal by any mem-

ber; appoint all committees unless otherwise ordered by the Senate; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. The Senate shall, at the beginning and close of each session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant.

7. A Secretary, Assistant Secretary, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary, shall be elected at the opening of the session of the Legislature, to continue in office until discharged by the Senate; who shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate.

#### OPEN DOORS.

8. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

#### ORDER OF BUSINESS.

9. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger for the absentees; when there is a quorum present the journal of the preceding day shall be read and corrected if necessary. (Constitution, Art. III, Sec. 10.)

11. The President shall then call:

1. For petitions and memorials;
2. For reports from standing committees;
3. For reports from select committees;
4. For bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate;
5. For the special order;
6. For unfinished business;

7. For business on the President's table, which shall be disposed of in the following order:

1. Simple resolutions;
2. Messages and executive communications;
3. House bills on third reading;
4. Senate bills on third reading;
5. House bills on second reading;
6. Senate bills on second reading.

Senate bills and resolutions with House amendments may be called up at any time as privileged questions.

12. Special orders shall be considered at the time for which they are set, and shall be considered from day to day until disposed of, but if a special order is not reached or considered at the time fixed it shall not lose its place as a special order.

#### DECORUM AND DEBATE.

13. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall rise in his place and address the President.

14. When two or more members happen to rise at once, the President shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

16. When a member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

17. If a member be called to order for using exceptionable words, they shall immediately be taken down in writing, that the President may be better enabled to judge of them.

18. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate.

19. While the President is putting the question or addressing the Senate he shall not be interrupted.

20. While a member is speaking no other member shall interrupt him, except by leave, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate chamber during the session of the Senate.

21. When a question is under consideration by the Senate no motion shall be made except

- To fix the day to which the Senate shall adjourn;
- To adjourn;
- To proceed to the transaction of executive business;
- The previous question;
- To postpone to a time certain;
- To amend;
- To commit with instructions;
- To commit without instructions;
- To lie on the table;
- To postpone indefinitely;

Which several motions shall have precedence in the order in which they are arranged. All amendments tending to perfect a bill shall have precedence of a motion to strike out the enacting clause.

22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

23. The Senate may punish any member for disorderly conduct, and with the consent of two-thirds may expel a member; but not a second time for the same offense. (Constitution, Art. III, Sec. 11.)

24. The Senate, during its session, may imprison for forty-eight hours any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

25. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise of preferment or reward, shall, on conviction, be expelled.

#### BILLS.

26. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Art. III, Sec. 32.)

27. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second or third reading.

28. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when

transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee.

29. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "shall this bill pass to a third reading?"

30. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.)

31. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

32. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

33. The presiding officer of each house shall in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals. (Constitution, Art. III, Sec. 38.)

#### SUBSTITUTE BILLS.

34. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

#### RESOLUTIONS.

35. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

36. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee.

#### AMENDMENTS TO THE CONSTITUTION.

37. All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings on bills, except that they shall in

all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

#### MOTIONS.

38. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

39. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.

40. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

41. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

42. A motion to postpone, or to commit, having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

#### PETITIONS AND MEMORIALS.

43. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief, verbal statement of its contents may be made by the person presenting it.

#### PROTESTS.

44. Any member shall have the privilege to have spread upon the Journal of the Senate his reason for any vote that he may cast.

#### REPORTS.

45. All committee reports shall be in writing.

46. It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

47. All reports, except reports from Committee on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day before consideration, unless committed.

48. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

#### COMMITMENT.

49. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

50. When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order: First, to a committee of the whole Senate; second, to a standing committee; third, to a select committee.

#### RECONSIDERATION.

51. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which the vote was taken shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon, and if determined in the negative, shall be a final disposition of the motion to reconsider.

52. In all cases a motion to reconsider shall be decided by a majority of the votes.

53. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

#### QUESTIONS—MODE OF STATING AND VOTING UPON.

54. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering "Aye," or "No."

#### EQUAL DIVISION OF THE SENATE.

55. If the Senate be equally divided on any question, the Lieutenant-Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

56. The President of the Senate, for the time being, shall not, by virtue of his office, be entitled to give the casting vote in any case.

57. If the Senate is equally divided on any question when the Lieutenant-Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

58. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all other questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journal.

59. At the desire of any three members present, the yeas and nays shall be entered on the Journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum.

60. Upon any roll call of the Senate, should any member who is within the Senate chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

61. A vote of two-thirds of all the members elected to the Senate shall be required—

1. For the final passage of amendments to the Constitution. (Constitution, Art. VII, Sec. 1.)
2. For the final passage of bills exempting property from taxation. (Constitution, Art. VIII, Sec. 10.)
3. For the final passage of bills to revoke or repeal private corporations.
4. For the final passage of bills to authorize the State to borrow money.
5. For the passage of bills that have been returned by the Governor, with his objections. (Constitution, Art. IV, Sec. 14.)
6. For the final passage of bills to reduce a county to a less area than nine hundred square miles. (Constitution, Art. IX, Sec. 1.)
7. For the passage of an address to the Governor for the removal of any other civil officer. (Constitution, Art. XV, Sec. 8.)
8. In cases of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. XV, Sec. 3.)
9. To expel a member. (Constitution, Art. III, Sec. 11.)

A vote of two-thirds of all the members present shall be required—

1. To adopt an amendment at the third reading of a bill or joint resolution. (See R. 35.)
2. To postpone or change the order of business.
3. To suspend any rule of the Senate.
4. To excuse absentees.

#### SUSPENSION AND RESCISSION OF THE RULES.

62. It shall require a vote of four-fifths of the Senate to suspend the rules requiring bills to be read on three several days. (Constitution, Art. III, Sec. 32.)

63. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

64. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

#### REJECTION OF BILLS, RESOLUTIONS AND MOTIONS.

65. After a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. (Constitution, Art. III, Sec. 34.)

#### ELECTIONS.

66. In all elections by the Senate, the vote shall be given *viva voce*, except in the election of officers of the Senate. (Constitution, Art. III, Sec. 41.)

67. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

#### COMMITTEES.

68. All committees shall be appointed by the President, unless otherwise directed by the Senate.

69. The following standing committees shall be appointed:

1. A Judiciary Committee No. 1.
2. A Judiciary Committee No. 2.
3. A Committee on Constitutional Amendments.
4. A Committee on Educational Affairs.
5. A Committee on Internal Improvements.
6. A Committee on Finance.
7. A Committee on Public Lands and Land Office.
8. A Committee on State Penitentiaries.
9. A Committee on Public Health.

10. A Committee on Military Affairs.
11. A Committee on State Affairs.
12. A Committee on Commerce and Manufactures.
13. A Committee on Public Roads, Bridges and Ferries.
14. A Committee on Public Debt, Claims and Accounts.
15. A Committee on Contingent Expenses.
16. A Committee on Federal Relations.
17. A Committee on Counties and County Boundaries.
18. A Committee on Public Printing.
19. A Committee on Judicial Districts.
20. A Committee on State Asylums.
21. A Committee on Stock and Stock Raising.
22. A Committee on Agricultural Affairs.
23. A Committee on Treasurer's and Comptroller's Department.
24. A Committee on Privileges and Elections.
25. A Committee on Public Buildings and Grounds.
26. A Committee on Rules.
27. A Committee on Engrossed Bills.
28. A Committee on Enrolled Bills.
29. A Committee on Insurance, Statistics and History.
30. A Committee on Towns and City Corporations.
31. A Committee on Mining and Irrigation.
32. A Committee on Labor.

## COMMITTEE OF THE WHOLE.

70. It shall be in order for the Senate, at any time after bills and resolutions have been called, to resolve itself into Committee of the Whole.

71. In forming a Committee of the Whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

72. When in Committee of the Whole, the Lieutenant-Governor shall have a right to debate and vote on all questions. (Constitution, Art. IV, Sec. 16.)

73. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

74. Upon bills committed to a Committee of the Whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall

again be subject to be debated and amended, or committed, before a question to engross it be taken.

## NOMINATIONS BY THE GOVERNOR.

75. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

76. Nominations shall be acted on in executive session only.

77. All nominations approved or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

## EXECUTIVE SESSION.

78. When the Senate is in executive session, the Senate chamber and gallery shall be cleared of all persons except the Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret the proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

79. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret.

80. Any officer or member convicted of violating any provisions of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

## MESSAGES.

81. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

82. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

## JOURNAL OF THE SENATE.

83. The proceedings of the Senate, when not in Committee of the Whole or in executive session, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted on the Journal.

84. When a bill shall be returned to the Senate by the Governor,

with his objections, they shall be entered at large upon the Journal. (Constitution, Art. IV, Sec. 14.)

85. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor.

#### ADJOURNMENT.

86. A motion to adjourn shall always be in order, and shall be decided without debate, and the Senate may adjourn while operating under the previous question.

87. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Art. III, Sec. 17.)

#### ADMISSION OF PERSONS WITHIN THE BAR OF THE SENATE CHAMBER.

88. The Governor and ex-Governor of the State, officers of the State government, the ex-Presidents of the Republic of Texas, ex-members of the Legislature, the members of the House of Representatives, and such other persons as the presiding officer or any member of the Senate may invite within the bar of the Senate, shall be supplied with seats therein; and no motion to admit any person whomsoever within the bar of the Senate shall be in order.

#### SENATE RULES—WHEN SILENT.

89. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate, and joint rules of order of both branches of the Legislature, according to parliamentary practice, as laid down by modern approved authors, subject to appeal to the entire Senate as in other cases.

#### PREVIOUS QUESTION.

90. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

# STANDING COMMITTEES OF THE SENATE.

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## JUDICIARY NO. 1.

Hanger, Chairman; Stafford, Davidson of Galveston, Hill, Faulk, Patteson, Grinnan, Perkins, Hale, Lipscomb.—Clerk, Mrs. Hope Hawkins.

## JUDICIARY NO. 2.

Paulus, Chairman; Davidson of DeWitt, Hicks, Brachfield, Stafford, Hanger, Beaty, Sebastian, McKamy.—Clerk, Mrs. J. R. Van Orden.

## CONSTITUTIONAL AMENDMENTS.

Perkins, Chairman; Grinnan, Sebastian, Harper, Decker, Lipscomb, Beaty, Hicks, Mills.—Clerk, W. T. Pace.

## EDUCATIONAL AFFAIRS.

Stafford, Chairman; Davidson of Galveston, Lipscomb, Willacy, Hanger, Hicks, Hale, Morris, Faust.—Clerk, Miss Emily Holcomb.

## INTERNAL IMPROVEMENTS.

Davidson of Galveston, Chairman; Willacy, Morris, Stafford, Martin, Lipscomb, Faust, Hanger, Wilson, Savage, Faubion, Beaty—Clerk, Miss Emily Holcomb.

## FINANCE COMMITTEE.

Wilson, Chairman; Harbison, Paulus, Lipscomb, Faust, Mills, Willacy, Morris, Martin, Decker.—Clerk, Mrs. Hattie Yarbrough.

## PUBLIC LANDS AND LAND OFFICE.

Grinnan, Chairman; Hill, Decker, Sebastian, Henderson, Savage, Hicks, Brachfield, McKamy.—Clerk, Miss Bessie Goldstein.

## STATE PENITENTIARIES.

Morris, Chairman; Faust, Perkins, Lipscomb, Paulus, Hanger, Mills, Stafford, Faulk.—Clerk, Miss Bessie Goldstein.

## PUBLIC HEALTH.

Douglass, Chairman; Martin, Savage, Henderson, Cain, Harbison, Faubion, Lipscomb.—Clerk, W. A. Shaw, Jr.

## MILITARY AFFAIRS.

Harper, Chairman; Decker, Faubion, Faust, Hicks, Hill, Martin.—Clerk, Lucien Goss.

## STATE AFFAIRS.

McKamy, Chairman; Douglass, Sebastian, Faubion, Cain, Wilson, Faulk, Grinnan, Davidson of Galveston.—Clerk, W. T. Pace.

## COMMERCE AND MANUFACTURES.

Mills, Chairman; Harper, Henderson, Sebastian, Brachfield, McKamy, Cain, Savage, Beaty.—Clerk, W. A. Shaw, Jr.

## ROADS, BRIDGES AND FERRIES.

Faulk, Chairman; Faubion, Douglass, Morris, Mills, Hale, McKamy, Perkins.—Clerk, Miss L. Stanley.

## PUBLIC DEBTS, CLAIMS AND ACCOUNTS.

Savage, Chairman; Faust, Morris, Willacy, Patteson, Mills, Henderson.—Clerk, Lucien Goss.

## CONTINGENT EXPENSES.

Willacy, Chairman; Faust, Hicks, Hale, Hill.—Clerk, Miss Emily Holcomb.

## FEDERAL RELATIONS.

Henderson, Chairman; Harper, Perkins, Martin, Decker, McKamy.—Clerk, W. A. Shaw, Jr.

## COUNTY AND COUNTY BOUNDARIES.

Sebastian, Chairman; Davidson of DeWitt, Grinnan, Henderson, Patteson, Faubion, Lipscomb, Savage, Hanger.—Clerk, W. A. Shaw, Jr.

## PUBLIC PRINTING.

Martin, Chairman; Cain, Harbison, Mills, Harper.—Clerk, Miss Bessie Goldstein.

## JUDICIAL DISTRICTS.

Beaty, Chairman; Grinnan, Davidson of Galveston, Paulus, Davidson of DeWitt, Wilson, Lipscomb, Willacy, Patteson.—Clerk, Mrs. J. R. Van Orden.

## STATE ASYLUMS.

Lipscomb, Chairman; Patteson, Hicks, Faulk, McKamy, Brachfield, Stafford, Faust, Hill, Douglass.—Clerk, W. T. Pace.

## STOCK AND STOCK RAISING.

Hill, Chairman; Decker, Sebastian, Grinnan, Harbison, Martin, Willacy.—Clerk, Mrs. Hope Hawkins.

## AGRICULTURAL AFFAIRS.

Cain, Chairman; Henderson, Mills, Morris, Harper, Faubion, Douglass, Perkins.—Clerk, Miss Bessie Goldstein.

## TREASURER'S AND COMPTROLLER'S DEPARTMENT.

Faust, Chairman; Wilson, Paulus, Lipscomb, Willacy.—Clerk, Lucien Goss.

## PRIVILEGES AND ELECTIONS.

Decker, Chairman; Perkins, Brachfield, Hale, Patteson, Hill, Davidson of DeWitt, McKamy.—Clerk, Lucien Goss.

## PUBLIC BUILDINGS AND GROUNDS.

Harbison, Chairman; Douglass, Savage, Morris, Faubion, McKamy, Grinnan.—Clerk, W. T. Pace.

## RULES.

Stafford, Chairman; Hanger, Davidson of Galveston, Decker, Davidson of DeWitt.—Clerk, Mrs. Hope Hawkins.

## ENGROSSED BILLS.

Patteson, Chairman; Grinnan, Faulk.

## ENROLLED BILLS.

Hale, Chairman; Beaty, Perkins, McKamy, Lipscomb.

## INSURANCE, STATISTICS AND HISTORY.

Davidson of DeWitt, Chairman; Patteson, Brachfield, Faulk, Hicks, Hill, Faubion, Stafford, Harbison.—Clerk, Miss Emily Holcomb.

## TOWNS AND CITY CORPORATIONS.

Hicks, Chairman; McKamy, Davidson of Galveston, Hanger, Lipscomb, Mills, Faubion, Stafford, Harbison.—Clerk, Miss L. Stanley.

## MINING AND IRRIGATION.

Faubion, Chairman; Hill, Hale, Faust, Willacy, Sebastian, Decker.—Clerk, W. T. Pace.

## LABOR.

Brachfield, Chairman; Hicks, Douglass, McKamy, Lipscomb, Faubion, Cain.—Clerk, Miss L. Stanley.



## MEMBERS OF THE SENATE.

## MEMBERS OF THE STATE SENATE, TWENTY-EIGHTH LEGISLATURE.

| District No. | Names.                                   | Postoffice.        | County.         | Nativity.           | Occupation.           | Politics. | Age.  | Years in Texas.                        | Served in former Sessions. | Counties composing district.                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------|------------------------------------------|--------------------|-----------------|---------------------|-----------------------|-----------|-------|----------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | Geo. D. Neal, Lieut. Gov. and President. | Navasota.....      | Grimes.....     | Virginia.....       | Lawyer.....           | Dem.....  | 49 37 | 25th, 26th, 27th, Senate.              |                            | Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.                                                                                                                                                                                                                                                                                                                                           |
| 14           | Beaty, J. T.....                         | Jasper.....        | Jasper.....     | Texas.....          | Lawyer.....           | Dem.....  | 48 48 | 27th, Senate.                          |                            | Jefferson, Harrison, Rusk, Panola, Shelby, and Gregg.                                                                                                                                                                                                                                                                                                                                                                                       |
| 8            | Brachfield, C. L.....                    | Henderson.....     | Rusk.....       | Mississippi.....    | Lawyer.....           | Dem.....  | 32 31 | .....                                  |                            | Collin, Hunt and Rains.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5            | Cain, T. M.....                          | Emory.....         | Rains.....      | Tennessee.....      | Retired Merchant..... | Dem.....  | 70 53 | 14th, 16th, House.                     |                            | Jackson, Calhoun, Victoria, Bee, DeWitt, Goliad, Refugio, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.                                                                                                                                                                                                                                                                                                                             |
| 22           | Davidson, A. B.....                      | Cuero.....         | DeWitt.....     | Tennessee.....      | Lawyer.....           | Dem.....  | 44 32 | 26th, 27th, Senate.                    |                            | Chambers, Galveston, Brazoria, Matagorda and Wharton.                                                                                                                                                                                                                                                                                                                                                                                       |
| 17           | Davidson, R. V.....                      | Galveston.....     | Galveston.....  | North Carolina..... | Lawyer.....           | Dem.....  | 48 28 | 27th, Senate.                          |                            | Jack Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, Kling, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutcherson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam. |
| 29           | Decker, D. E.....                        | Quanah.....        | Hardeman.....   | Texas.....          | Lawyer.....           | Dem.....  | 33 33 | 36, 27th, House.                       |                            | Ellis, Johnson and Hill.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10           | Douglass, A. M.....                      | Covington.....     | Hill.....       | Tennessee.....      | Physician.....        | Dem.....  | 64 37 | 14th, 15th, 16th, House, 23rd, Senate. |                            | Williamson, Travis, Burnet and Lampasas.                                                                                                                                                                                                                                                                                                                                                                                                    |
| 20           | Faubion, J. H.....                       | Leander.....       | Williamson..... | Tennessee.....      | Farmer.....           | Dem.....  | 58 38 | 19th, 20th, 21st, 23rd, House.         |                            | Navarro, Henderson and Kaufman.                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9            | Faulk, J. J.....                         | Athens.....        | Henderson.....  | Louisiana.....      | Lawyer.....           | Dem.....  | 49 48 | 17th, House.                           |                            | Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.                                                                                                                                                                                                                                                                                                                                                                                      |
| 21           | Faust, Joseph.....                       | New Braunfels..... | Comal.....      | Prussia.....        | Banker.....           | Dem.....  | 58 52 | .....                                  |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                             |

# MEMBERS OF THE SENATE.

23

|    |                        |                    |                   |                  |                             |                                                       |                                                                                                                                                                                                                                                                                |
|----|------------------------|--------------------|-------------------|------------------|-----------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26 | Grinnan, Arch.....     | Brownwood.....     | Brown.....        | Virginia.....    | Lawyer.....                 | Dem. 36 35 26th, 27th, Senate.                        | Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano. Washington, Burleson, Lee and Bastrop.                                                                                                                                                 |
| 18 | Hale, J. M.....        | Caldwell.....      | Burleson.....     | Texas.....       | Lawyer.....                 | Dem. 35 35                                            | Tarrant, Parker, Hood and Somersell.                                                                                                                                                                                                                                           |
| 30 | Hanger, W. A.....      | Fort Worth.....    | Tarrant.....      | Texas.....       | Lawyer.....                 | Dem. 33 33 26th, 27th, Senate.                        | Grayson and Cooke.                                                                                                                                                                                                                                                             |
| 4  | Harbison, J. L.....    | Collinsville.....  | Grayson.....      | Arkansas.....    | Merchant.....               | Dem. 42 19 27th, House.                               | Limestone, Freestone, Robertson and Brazos.                                                                                                                                                                                                                                    |
| 12 | Harper, A. J.....      | Groesbeck.....     | Limestone.....    | Mississippi..... | Lawyer.....                 | Dem. 37 22                                            | Fannin and Lamar.                                                                                                                                                                                                                                                              |
| 3  | Henderson, Travis..... | Paris.....         | Lamar.....        | Alabama.....     | Farmer.....                 | Dem. 62 46 18th, 19th, 23rd, 24th, 26th, 27th, House. | Bezar, Bandera, Kondall, Kerr and Gillespie.                                                                                                                                                                                                                                   |
| 24 | Hicks, Marshall.....   | San Antonio.....   | Bezar.....        | Texas.....       | Lawyer.....                 | Dem. 37 37                                            | Kimble, Menard, Coke, Sutton, Schleicher, Tom Green, Sterling, Irion, Pecos, Brewster, Jeff Davis, Presidio, El Paso, Val Verde, Edwards, Uvalde, Kinney, Medina, Zavala, Reeves, Mayerick and Mason.                                                                          |
| 25 | Hill, J. W.....        | San Angelo.....    | Tom Green.....    | Texas.....       | Lawyer.....                 | Dem. 46 46                                            | Harris, Fort Bend and Waller. Coryell, Hamilton, Bosque and Bell.                                                                                                                                                                                                              |
| 16 | Lipscomb, A. J.....    | Hempstead.....     | Waller.....       | Texas.....       | Lawyer.....                 | Dem. 47 47 27th, Senate.                              | Dallas and Rockwall.                                                                                                                                                                                                                                                           |
| 27 | Martin, R. W.....      | Gatesville.....    | Coryell.....      | Missouri.....    | Newspaperman.....           | Dem. 47 43 24th, House.                               | McLennan, Falls and Milam.                                                                                                                                                                                                                                                     |
| 6  | McKamy, W. C.....      | Dallas.....        | Dallas.....       | Texas.....       | Farmer and Stockraiser..... | Dem. 41 41 25th, 26th, House.                         | Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.                                                                                                                                                                                                               |
| 11 | Mills, Seth P.....     | Waco.....          | McLennan.....     | Missouri.....    | Farmer.....                 | Dem. 61 40 16th, 20th, 22nd, 23rd, 24th, House.       | Red River, Titus, Franklin, Hopkins and Delta.                                                                                                                                                                                                                                 |
| 15 | Morris, A. W.....      | Willis.....        | Montgomery.....   | Texas.....       | Farmer and Stockraiser..... | Dem. 57 57 25th, 26th, 27th, House.                   | Colorado. Lavaca, Fayette and Austin.                                                                                                                                                                                                                                          |
| 2  | Patteson, James.....   | Cooper.....        | Delta.....        | Tennessee.....   | Lawyer.....                 | Dem. 46 45                                            | Anderson, Cherokee, Angelina, Houston and Trinity.                                                                                                                                                                                                                             |
| 18 | Paulus, D. A.....      | Hallettsville..... | Lavaca.....       | Texas.....       | Lawyer.....                 | Dem. 40 40 27th, Senate.                              | Denton Montague and Wise.                                                                                                                                                                                                                                                      |
| 13 | Perkins, James I.....  | Rusk.....          | Cherokee.....     | Texas.....       | Lawyer and Farmer.....      | Dem. 55 55 27th, House.                               | Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Martin, Mitchell, Howard, Andrews, Glascock, Midland, Winkler, Ector, Loving, Ward, Upton, Crane, Gains, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Shackelford and Jones. |
| 31 | Savage, Geo. W.....    | Belcher.....       | Montague.....     | Oregon.....      | Farmer.....                 | Dem. 43 32 25th, 26th, House, 27th, Senate.           | Van Zandt, Wood, Camp, Upshur and Smith.                                                                                                                                                                                                                                       |
| 28 | Sebastian, W. F.....   | Breckenridge.....  | Stevens.....      | Missouri.....    | Lawyer.....                 | Dem. 50 26 23rd, 24th, House, 26th, 27th, Senate.     | Cameron, Hidalgo, Starr, Zapata, Neuces, San Patricio, La Salle, McMullen and Dimmit.                                                                                                                                                                                          |
| 7  | Stafford, R. N.....    | Mineola.....       | Wood.....         | Georgia.....     | Lawyer.....                 | Dem. 46 27 24th, 25th, 26th, 27th, Senate.            | Bowie, Cass, Marion and Morris.                                                                                                                                                                                                                                                |
| 23 | Willacy, John.....     | Portland.....      | San Patricio..... | Kentucky.....    | Truck Farmer.....           | Dem. 42 13 26th, 27th, House.                         |                                                                                                                                                                                                                                                                                |
| 1  | Wilson, J. R.....      | Texarkana.....     | Bowie.....        | Virginia.....    | Farmer.....                 | Dem. 38 17 27th, Senate.                              |                                                                                                                                                                                                                                                                                |

## OFFICERS AND CLERKS OF THE SENATE, TWENTY-EIGHTH LEGISLATURE.

| Names.                     | Postoffice.      | County.         | Nativity.        | Occupation.           | Politics. | Age. | Years in Texas. | Official position.              | Served in former Sessions.                               |
|----------------------------|------------------|-----------------|------------------|-----------------------|-----------|------|-----------------|---------------------------------|----------------------------------------------------------|
| Olyde D. Smith.....        | Wichita Falls.   | Wichita.....    | Mississippi..... | Bookkeeper.....       | Dem.....  | 28   | 17              | Secretary.....                  | President's Private Secretary and Assistant Sec'y, 27th. |
| W. E. De Lamar.....        | Henderson.....   | Rusk.....       | Texas.....       | Bookkeeper.....       | Dem.....  | 25   | 25              | Assistant Secretary.....        |                                                          |
| R. M. Gilmore.....         | Canton.....      | Van Zandt.....  | Texas.....       | Editor.....           | Dem.....  | 27   | 27              | Journal Clerk.....              |                                                          |
| Amos Wynne.....            | Greenville.....  | Hunt.....       | Texas.....       | Draughtsman.....      | Dem.....  | 26   | 26              | Assistant Journal Clerk.....    |                                                          |
| Will M. Cobb.....          | Bowie.....       | Montague.....   | Illinois.....    | Editor.....           | Dem.....  | 36   | 36              | Clerical Clerk.....             | Asst. Engr. Cl'k, 27th Senate.                           |
| Frank P. Smith.....        | Belton.....      | Bell.....       | Texas.....       | Cotton business.....  | Dem.....  | 49   | 49              | Engrossing Clerk.....           | 26th, 27th, Senate.                                      |
| Miss Lucy Lane.....        | Austin.....      | Travis.....     | Texas.....       | Lawyer.....           | Dem.....  | 30   | 30              | Ass't Engr. Clerk.....          |                                                          |
| Eldred McKinnon.....       | Hillsboro.....   | Hill.....       | Texas.....       | Spanish transl'r..... | Dem.....  | 33   | 33              | Enrolling Clerk.....            | 27th, Senate.                                            |
| Mrs. Laura V. Grinnan..... | Tyler.....       | Smith.....      | Texas.....       | Land Agent.....       | Dem.....  | 34   | 34              | Ass't Enrolling Clerk.....      | 23rd, 24th, 25th, 26th, 27th, Senate.                    |
| O. H. Allen.....           | Austin.....      | Travis.....     | Texas.....       | Land Agent.....       | Dem.....  | 42   | 42              | Serg't. at Arms.....            | 26th, 27th, Senate.                                      |
| D. F. Hughes.....          | Mexia.....       | Limestone.....  | Alabama.....     | Cotton Weigher.....   | Dem.....  | 57   | 44              | Ass't Serg't. at Arms.....      |                                                          |
| Frank Mullins.....         | Fort Worth.....  | Tarrant.....    | Missouri.....    | Lawyer.....           | Dem.....  | 50   | 37              | Doorkeeper.....                 |                                                          |
| C. J. Kirk.....            | Navasota.....    | Grimes.....     | Texas.....       | Lawyer.....           | Dem.....  | 50   | 37              | Assistant Doorkeeper.....       |                                                          |
| I. S. Davenport.....       | Hutto.....       | Williamson..... | Mississippi..... | Minister.....         | Dem.....  | 54   | 32              | Chaplain.....                   | 27th, Senate.                                            |
| Miss Mary Fant Odum.....   | Austin.....      | Travis.....     | Texas.....       | Teacher.....          | Dem.....  | 51   | 39              | Postmaster.....                 | Com. Clerk 26th, House, War-rant Clerk, 27th, House.     |
| J. C. Son.....             | Palo Pinto.....  | Travis.....     | Missouri.....    | Editor.....           | Dem.....  | 51   | 39              | Assistant Postmaster.....       |                                                          |
| Miss Georgia Sturgess..... | Austin.....      | Travis.....     | Texas.....       | Stenographer.....     | Dem.....  | 22   | 22              | Committee Clerk.....            |                                                          |
| Mrs. Hope H. Hawkins.....  | Fort Worth.....  | Tarrant.....    | Texas.....       | Stenographer.....     | Dem.....  | 30   | 30              | Committee Clerk.....            | 27th, Senate.                                            |
| Mrs. Emily Arbrough.....   | Austin.....      | Travis.....     | Texas.....       | Stenographer.....     | Dem.....  | 29   | 29              | Committee Clerk.....            | 27th, Senate.                                            |
| Miss Emily Fomb.....       | Austin.....      | Travis.....     | Illinois.....    | Stenographer.....     | Dem.....  | 27   | 27              | Committee Clerk.....            | 26th, 27th, Senate.                                      |
| Mrs. J. R. Van Orden.....  | Austin.....      | Travis.....     | Texas.....       | Stenographer.....     | Dem.....  | 27   | 27              | Committee Clerk.....            |                                                          |
| Miss Jessie Goldstein..... | Austin.....      | Travis.....     | New York.....    | Stenographer.....     | Dem.....  | 29   | 29              | Committee Clerk.....            |                                                          |
| W. T. Pace.....            | Dallas.....      | Dallas.....     | Texas.....       | Stenographer.....     | Dem.....  | 36   | 36              | Committee Clerk.....            |                                                          |
| W. A. Shaw, Jr.....        | Dallas.....      | Dallas.....     | Texas.....       | Newspaperman.....     | Dem.....  | 23   | 23              | Committee Clerk.....            | Page 23rd, House and 24th, Senate.                       |
| Lucien Goss.....           | Seymour.....     | Baylor.....     | Texas.....       | Student.....          | Dem.....  | 23   | 23              | Committee Clerk.....            | 24th, Page, 25th, Clerk, 27th, Assistant Doorkeeper.     |
| J. A. Chaffee*.....        | San Antonio..... | Bexar.....      | Texas.....       | Stenographer.....     | Dem.....  | 23   | 23              | Private Sec'y to President..... |                                                          |
| Miss L. Stanley.....       | Austin.....      | Travis.....     | Texas.....       | Stenographer.....     | Dem.....  | 25   | 25              | Private Sec'y to President..... |                                                          |
| Harbert Davenport.....     | Eastland.....    | Eastland.....   | Texas.....       | Printer.....          | Dem.....  | 21   | 21              | Clerk to Serg't-at-Arms.....    |                                                          |

\* Resigned.

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# JOINT RULES OF THE TWO HOUSES.

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## DISAGREEMENT BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one house, and dissented to by the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairmen, meet in their conference chamber and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. After each house shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

## COMMUNICATION BETWEEN THE HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. All messages relating to the passage, substitution or amendment of any bill, resolution or other matter in passage between the two houses, shall be sent by such person as a sense of propriety in each house may determine to be proper, and shall be in writing, on but one side of separate sheet or sheets of paper, and shall be properly addressed to the presiding officer of the house to which the message be sent, and shall be signed by the person delivering the same, in his official capacity, and such message, as written, shall be printed in full in the journal of the house receiving the same.

7. While bills and resolutions are on their passage between the two houses, they shall be on paper, and under the signature of the Secretary or Clerk of each house, respectively.

8. Each house transmits to the other all papers on which any bill or resolution may be founded.

## ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS AND THEIR PRESENTATION TO THE GOVERNOR.

9. After a bill shall have passed both houses it shall be duly enrolled on paper by the Enrolling Clerk of the House of Representatives, or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house, as required by the Constitution, before it shall be presented to the Governor.

10. When bills are enrolled they may be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the houses, and, carefully correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

11. After examination and report each bill shall be signed in the respective houses—first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution.

12. After a bill shall have thus been signed in each house it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated, it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate, and shall be entered on the journal of such house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the journal of the house in which the bill originated.

13. All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

## ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

14. In all elections by joint vote of the two houses of the Legislature, the Senate will, upon invitation, meet the House in its hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both houses answer to their names the two houses will proceed with the business for which they have met. The President of the Senate shall first

call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary, and their votes recorded by him. The names of the Representatives shall then be called by their Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two houses have met in joint session, the Senate shall retire to its chamber, and the result of the joint vote shall be entered on the journal of each house.

15. If a quorum of either house should fail to attend a joint session, or absent themselves therefrom without the permission of such house, the members of the house so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

16. If no choice shall have been made on the first ballot or vote, at any time thereafter the joint session may be adjourned, with or without naming another day for meeting, by the vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without delay.

17. In all conferences between the Senate and the House by committees, the number of each committee shall be five (5), and all votes on matters of difference shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

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# RULES OF THE HOUSE.

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## RULE I.

### DUTIES AND RIGHTS OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, immediately call the members to order, and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the hall of the House and its lobby and galleries, and of the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members and put them to the House; and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to wit: "As many as are in favor of (as the question may be) say Aye"; and after the affirmative voice is expressed, "As many as are opposed say No." If the Speaker be in doubt as to the result, or if a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and remain standing until the Clerk has numbered them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall decide all questions of order, subject to an appeal to the House made by any two members, on which appeal no member shall

speak more than once, unless by leave of the House. Pending an appeal, no motion shall be in order except to adjourn, to lay on the table, for the previous question and the call of the House.

8. He shall examine, correct and approve the journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be elected; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote, in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the acting Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. Whenever the Speaker shall be absent at any hour to which the House has adjourned, it shall be the duty of the Chief Clerk to call the House to order and have the roll called, and if a quorum be present, the House shall proceed to elect a Speaker *pro tempore*, who shall discharge the duties of the Speaker of the House of Representatives, and have the same rights, during the absence of the Speaker.

## RULE II.

### ELECTION AND COMPENSATION OF OFFICERS.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine; and after their salary has been fixed, no further or extra compensation shall be allowed them.

## RULE III.

### DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or chairman, and, pending the election of a Speaker *pro tempore*, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, and shall keep the same in order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep, for the use of the members and officers of the House, such stationery and stationer's supplies as may be necessary for the transaction of the business of the House; and he shall keep his office open daily (except Sundays) from 8 o'clock a. m. until one hour after the adjournment of the House.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and, subject to his control and to that of the Speaker, shall have the same powers.

#### RULE IV.

##### DUTIES OF THE CLERKS.

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House, and, pending the election of a Speaker *pro tempore*, he shall call the House to order, preserve order and decorum, and decide all questions of order subject to appeal to the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which it passed, if by a yea and nay vote.

2. The Calendar Clerk shall keep the calendars of the House, so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by vote of the House. The Speaker may assign the Calendar Clerk to other clerical work of the House or its committees.

3. The Journal Clerk and Assistant Journal Clerk, if any, under his direction, shall keep a journal of the proceedings of the House, in which such proceedings, when not acting in Committee of the Whole, shall be entered as concisely and accurately as possible. In this journal there shall be entered the number and caption of every bill introduced, and a brief statement of the substance of every bill, joint resolution, petition, memorial or other paper presented to the House. All simple and concurrent resolutions, motions, committee reports and amendments, and all questions of order, with the decisions thereon, and messages from the Governor and Senate, shall be entered in full. Every vote of the House shall also be entered on the Journal, with a concise statement of the question and of the result.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him

shall be printed, under the supervision of the Journal Clerk, and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read, unless upon motion therefor by a majority vote.

4. The Engrossing Clerk shall write out in a fair, legible hand, without erasures, interlineations, or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills before the same is returned to the House, for their examination, correction and approval, and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

5. The Enrolling Clerk shall similarly enroll all House bills and joint resolutions that have passed both houses, writing them out in a fair, legible hand, without erasures, interlineations or additions in the margin. After they have been examined by the Committee on Enrolled Bills and found truly enrolled they shall be reported to the House for the signature of the Speaker and transmission to the Senate. The Enrolling Clerk may be assigned by the Speaker to perform other clerical work for the House or its committees.

6. The Reading Clerk, and his assistant, if any, shall call rolls of the House in the alphabetical order of the names of the members, and shall read aloud all bills, resolutions, motions and other written matter, required by the rules, or directed by the Speaker, to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge of and attend to all the duties of the office, until the Chief Clerk returns or his successor is elected.

#### RULE V.

##### DUTIES OF THE DOORKEEPER.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and, when the House is under call, shall permit no member to leave the Hall without written permission from the Speaker. Fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.

#### RULE VI.

##### DUTIES OF THE POSTMASTER.

The Postmaster shall superintend the postoffice kept in the Capitol for the accommodation of Representatives and officers of the House and be held responsible for the prompt and safe delivery of their mail.

## RULE VII.

## DUTIES OF THE CHAPLAIN.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

## RULE VIII.

## OF COMMITTEES.

Unless otherwise ordered by the House, the Speaker shall appoint the following committees, consisting of the number designated, and no addition shall be made to any committee after it has been formed, except upon the suggestion of the chairman thereof and by a majority of the House, and all proposed legislation shall be referred to the appropriate committees named in this rule:

1. Judiciary No. 1, 19 members.
2. Judiciary No. 2, 19 members.
3. Constitutional Amendments, 18 members.
4. Internal Improvements, 18 members.
5. State Affairs, 22 members.
6. Finance, 21 members.
7. Education, 19 members.
8. Revenue and Taxation, 18 members.
9. Public Lands and Land Office, 22 members.
10. Public Health and Vital Statistics, 11 members.
11. Commerce and Manufactures, 13 members.
12. County Government and County Finances, 17 members.
13. Privileges, Suffrage and Elections, 15 members.
14. Public Printing, 11 members.
15. Public Buildings and Grounds, 17 members.
16. Roads, Bridges and Ferries, 24 members.
17. Claims and Accounts, 10 members.
18. Examination of Comptroller's and Treasurer's Accounts, 7 members.
19. Private Land Claims, 9 members.
20. Engrossed Bills, 5 members.
21. Enrolled Bills, 5 members.
22. Contingent Expenses, 8 members.
23. Rules (Speaker ex-officio chairman), 5 members.
24. Agricultural Affairs, 19 members.
25. Public Debt, 9 members.
26. State Asylums, 19 members.

27. Judicial Districts, 19 members.
28. Insurance, Statistics and History, 12 members.
29. Federal Relations, 10 members.
30. Stock and Stock Raising, 17 members.
31. Counties and County Boundaries, 14 members.
32. Penitentiaries, 24 members.
33. Military Affairs, 9 members.
34. Towns and City Corporations, 14 members.
35. Mining and Minerals, 13 members.
36. Irrigation, 14 members.
37. Labor, 10 members.
38. Railroad Commission, 18 members.

## RULE IX.

## ORGANIZATION, POWERS AND DUTIES OF COMMITTEES.

1. As soon as practicable after their appointment, it shall be the duty of the chairman, or chairman pro tem. (towit: the first named member after the chairman), of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable.

2. If after due notification the members of any committee fail to meet at the time and place designated, and it shall be evident that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House, and such committeemen shall be subject to reprimand, or removed from such committee, as a majority of the members present shall decide.

3. No committee shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum. The views of the minority may be submitted in writing by any member of the committee.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred, and shall be reported back to the House within ten (10) days from the date of their respective reference, unless the House shall grant a committee additional time for the consideration of a paper referred to it.

6. The reports of standing and select committees shall be filed with the Chief Clerk, and printed in the Journal.

7. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation, and in whatever else it is within the province of the committee to correct.

8. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

9. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

#### RULE X.

##### QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

#### RULE XI.

##### DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or in case of the absence of either of them, then any other member designated by such absentee, shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed half an hour.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches are limited to fifteen minutes in duration, except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time.

7. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out or across the Hall, nor, when a member is speaking, pass between him and the Chair; and, during the session of the House, no member shall wear his hat nor smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether said paper shall be read or not.

## RULE XII.

### OF VOTING.

1. Any member who has a personal or private interest in any measure or bill, proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and, if he answers in the affirmative, he shall be permitted to vote.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the Hall and within the walls enclosing the same, and not outside of any of the doors leading out of the Hall, and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail and refuse to vote, after being requested so to do by the Speaker, shall be recorded as present, but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk,

under order of the House, shall have commenced calling the yeas and nays.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered on the Journal.

7. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On the demand of any member, before the question is put, the question shall be divided if it includes propositions so distinct in substance that one being taken away a substantive proposition remain.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

### RULE XIII.

#### OF MOTIONS.

1. Every motion made to the House and entertained by the Speaker, shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate, no motion shall be received but

- (1) To fix the day to which the House shall adjourn;
- (2) To adjourn;
- (3) To take a recess;
- (4) To lay on the table;
- (5) For the previous question;
- (6) To postpone to a day certain;
- (7) To commit;
- (8) To amend; or,
- (9) To postpone indefinitely.

Which several motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be considered as equivalent to the rejection of the bill.

4. A motion to adjourn, except as hereinafter provided in Rule XIV, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

5. When motions are made for the reference of a subject to a select

or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost, cannot be reconsidered.

8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending, in which case its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right or priority.

9. The following motions shall be decided without debate:

- (1) To adjourn.
- (2) To fix the day to which the House shall adjourn.
- (3) To lay on the table.
- (4) That a proposition lie upon the table, subject to call.
- (5) For the previous question.

(6) To suspend the regular order of business and take up some measure out of its order; but the mover may be allowed to state briefly the nature and purpose of the measure.

(7) To suspend the constitutional rule requiring bills to be read on three several days.

#### RULE XIV.

##### OF THE PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner:

"The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say Aye," and then "As many as are opposed, say No." If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debat-

able single motion, or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and cannot be laid upon the table.

3. On the motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition, or the member making the report from the committee, as the case may be, or, in case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of the proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

## RULE XV.

### OF RECONSIDERATION.

1. When a motion has been made, and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

2. If such motion for a reconsideration be not disposed of when made, it shall be spread upon the Journal, and cannot, after that legislative day, be called up and disposed of, unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

3. When a motion for a reconsideration has once been made, it cannot be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments, or other incidental matters, shall be regarded as determined and lost, upon the final vote upon the main question.

#### RULE XVI.

##### OF ROLL CALLS AND CALLS OF THE HOUSE.

1. Upon every roll call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

2. When a call of the House is moved, and seconded by fifteen members (of whom the Speaker may be one), the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked, and no member shall be permitted to leave the House, without written permission of the Speaker, until after the subject matter upon which the call was ordered shall have been disposed of. The Clerk shall call the roll of the members, and note the absentees; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-at-Arms or officers appointed by him for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

Whenever a quorum is shown to be present, the House may proceed with the matters on which the call was ordered, or may enforce, and await, the attendance of the absentees.

#### RULE XVII.

##### OF SIMPLE AND CONCURRENT RESOLUTIONS.

1. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from ——— offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same, the Speaker shall say: "What order will the House take on the resolution?" If the second reading of

the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there is no objection the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading, and if the motion be carried, the resolution shall be read again, and it will then be before the House for amendment, adoption or rejection or other action. If the second reading is not moved, the resolution shall be over until the following day, when it will come up as business on the Speaker's table.

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk, after the opening of the session of the House; and when resolutions are called for, all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

#### RULE XVIII.

##### JOINT RESOLUTIONS.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings in bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the members-elect to the House. (Constitution, Article XVII, Section 1.) When a proposed amendment to the Constitution is under consideration the votes by a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question thereto short of the final question.

#### RULE XIX.

##### OF BILLS.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill proposes to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law.

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys

are appropriated) shall contain more than one subject, which shall be expressed in its title.

3. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk, and then those introduced from the floor, shall be read the first time by caption and referred to the proper committee.

5. No bill shall be considered or tabled, unless it has been first referred to a committee and reported therefrom; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

6. All bills before the House on their third and second reading, respectively, shall be taken up and acted upon in the order in which they are numbered. But local bills alone shall be considered on Saturday of each week until disposed of, and upon no other day; and on Thursday of each week, only, Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as the unfinished business.

7. All bills, when reported favorably by a committee, shall be printed and a copy laid on the desk of each member before the bill is acted on by the House. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

9. No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the Journal. By four-fifths of the House is here meant four-fifths of all the members elected.

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill; but when a bill has been committed once at any reading, it shall not be in order to recommit it again more than once, unless for some special amendment proposed, and then only by consent of two-thirds present. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless, in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals.

13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

## RULE XX.

### OF AMENDMENTS.

1. When a bill, resolution, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute, and shall be indivisible.

3. Amendments to the caption of a bill or resolution shall not be in order, until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

## RULE XXI.

## OF COMMITTEE OF THE WHOLE HOUSE.

1. No appropriation of money shall be made except by bill, and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolves itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by a committee, and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the committee, rise, report progress and have leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of proceeding in the House shall be observed in Committee so far as they may be applicable.

## RULE XXII.

## OF THE ORDER OF BUSINESS."

1. The daily order of business shall be as follows :

First. Prayer by the Chaplain.

Second. Excuses for absence of members and officers.

Third. First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth. Requests to print bills and other papers; requests of committees for further time to consider papers referred to them, and all other routine motions and business not otherwise provided for, all of which shall be undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth. Resolutions filed with the Chief Clerk and resolutions offered from the floor, for half an hour, if not sooner disposed of.

Sixth. The unfinished business, to be considered until finally disposed of.

Seventh. Disposal of business on the Speaker's table, as follows :

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference, and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

2. Special orders shall always have precedence, when the hour for considering the same has arrived, except as provided in Rule XXIV.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

## RULE XXIII.

## SUSPENSION OF THE RULES AND ORDER OF BUSINESS AND SPECIAL ORDERS.

1. No standing rule or order of the House shall be suspended, except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in the consideration of Senate and local bills, except by unanimous consent.

2. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up or consid-

ering any bill, resolution or other measure out of its regular order, except on Monday of each week and during the last six days of the session. Such a motion must be seconded by not less than twenty-five members, before being submitted to the House, and is carried by an affirmative vote of two-thirds of the members present. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except Saturdays and days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

3. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and when once established as a special order, shall be considered from day to day (except only Saturday) until disposed of; and until it shall have been disposed of, no further special orders shall be made.

#### RULE XXIV.

##### OF COMMUNICATION FROM THE EXECUTIVE AND SENATE, CONFERENCE REPORTS, ETC.

1. Messages and communications from the Governor shall be received when announced, and at once referred to the appropriate committee without delay.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall at once be read and referred to their appropriate committees, and Senate concurrent resolutions shall go to the Speaker's table.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn or to fix the day to which the House shall adjourn.

#### RULE XXV.

##### OF PETITIONS AND MEMORIALS.

All petitions and memorials shall be filed with the Chief Clerk, and referred to committees in accordance with the endorsement of the member offering the same.

## RULE XXVI.

## OF ABSENTEES.

1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require a two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the journals.

## RULE XXVII.

## OF WITNESSES.

The rules for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; and for coming to or going from the place of examination he shall receive actual and necessary expenses, and two dollars for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

## RULE XXVIII.

## OF ADMISSION TO THE HOUSE.

1. No person shall be admitted upon the floor of the House but members of the Senate, officers of the general State government, the heads of the departments, ex-members of the Legislature of this State, and ladies and gentlemen upon the invitation of members.

2. Reporters shall be assigned appropriate and convenient seats in the House, by direction of the Speaker.

## RULE XXIX.

## AMENDMENTS TO THE RULES.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred without debate to the Committee on Rules, and reported therefrom within three days.

## RULE XXX.

## WHEN RULES ARE SILENT.

On any question or order or parliamentary practice, where these rules are silent or inexplicit, Jefferson's Manual, and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.

## STANDING COMMITTEES OF THE HOUSE.

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### JUDICIARY COMMITTEE NO. 1.

Mr. Green, Chairman; Messrs. Nelms, Woods, Mays, Harris, Barrett, Brown of Kaufman, Meachum, Nicholson, Browne of Karnes, Love, Robertson of Williamson, Terrell of Travis, Seabury, Duff, Pickett, Knight, Stell, Cobbs, Hudson.

### JUDICIARY COMMITTEE NO. 2.

Mr. Connally, Chairman; Messrs. Crawford of Robertson, Rice, Chesley, O'Quinn, Wooten, Potter, Standifer, Onion, Pierson of Hunt, Hancock, Hendrick, Meitzen, Rieger, Jackson, Edwards, Brelsford, Williams, Sanford, Trice, Fowler, Davis of San Augustine, Low, Pickett, Weinert, Connally, Smith.

### CONSTITUTIONAL AMENDMENTS.

Mr. Napier Chairman; Messrs. Shannon, Terrell of Travis, Mulkey, Smith, Browne of Karnes, Ragland, Pickett, Cottrell, Griggs, Pierson of Hunt, Knight, Crawford of Robertson, Hodges, Callan, Isaacks, Murrell.

### INTERNAL IMPROVEMENTS.

Mr. Robertson of Williamson, Chairman; Messrs. Meachum, Napier, Chesley, Mays, Middlebrook, Low, Fowler, Brown of Kaufman, Robertson of Bell, Woods, Ainsworth, Connally, Mulkey, Alderdice, Green, Perry, Harris.

### STATE AFFAIRS.

Mr. Schluter, Chairman; Messrs. Woods, English, Kubena, Stewart, Murrell, Hoskins, Linn, Terrell of Travis, Crawford of Robertson, York, Rowland, Robertson of Bell, Griggs, Crawford of Young, Hurt, Strother, Schlick, Low, Pickett, Weinert, Connally.

## FINANCE.

Mr. Boyd, Chairman; Messrs. Marsh, Mays, Tharp, Bennett, Schluter, Low, Murray of Wilson, Smith, Weinert, Sanders, Connally, Witcher, Calvin, Gray, Ramsey, Stewart, Murray of Burleson, Randolph, Davis of Brown, Worsham, Fountain, Terrell of Travis.

## EDUCATION.

Mr. Glenn, Chairman; Messrs. Moran, Nelms, Baines, Trice, Pierson of Hunt, Alderdice, Ainsworth, Rice, Barrett, Brown of Falls, Calvin, Rochelle, Knight, Worsham, Gilliam, Jackson, Sevier, Middlebrook.

## REVENUE AND TAXATION.

Mr. Marsh, Chairman; Messrs. Shannon, Chesley, Brown of Falls, Fowler, Beaty, Stell, Hancock, Bolin, Robertson of Bell, Rice, Harris, Edwards, Pearson of Burnet, English, Baines, Hoskins, Onion.

## PUBLIC LANDS AND LAND OFFICE.

Mr. Bridgers, Chairman; Messrs. Gray, Bryan, Brelsford, Daugherty, Randolph, Baines, Hudspeth, Bennett, Schluter, Ware, Davis of Brown, Crawford of Young, Talbot, Miller of Howard, Tharp, Jackson, Sanford, Ragland, Nowlin, Bolin, Cobbs, Timon.

## PUBLIC HEALTH AND VITAL STATISTICS.

Mr. Bean, Chairman; Messrs. Miller of Milam, Johnson, Fountain, Hagan, Kyle, Cunningham, Witcher, Blalock, Strother, Anthony.

## COMMERCE AND MANUFACTURES.

Mr. Harris, Chairman; Messrs. Williams, Gilliam, Ragland, Hemphill, Kyle, Hendrick, Hagan, Marsh, Meitzen, Russell, Strother, Wooten.

## COUNTY GOVERNMENT AND COUNTY FINANCES.

Mr. Cottrell, Chairman; Messrs. Reese, Stell, Stollenwerck, Trice, Ware, Weinert, Tarkington, Wooten, Seabury, Robertson of Bell, Sanford, Timon, Roberts.

## PRIVILEGES, SUFFRAGE AND ELECTIONS.

Mr. Terrell of Travis, Chairman; Messrs. Crawford of Robertson, Love, Smith, Brelsford, Alderdice, Robertson of Williamson, Robertson of Bell, Barrett, Woods, Linn, Williams, Rice, Russell, Murrell.

## PUBLIC PRINTING.

Mr. Davis of San Augustine, Chairman; Messrs. Ponton, Ainsworth, Hudspeth, Kubena, Sanders, Rochelle, Sevier, Ragland, Napier, Talbot.

## PUBLIC BUILDINGS AND GROUNDS.

Mr. Peeler, Chairman; Messrs. Adair, Callan, Johnson, Stokes, Hemphill, Egan, Hurt, Strother, Bridgers, Linn, Roberts, Meachum, Smith, Napier, Reese, Ware, Hancock.

## ROADS, BRIDGES AND FERRIES.

Mr. Rowland, Chairman; Messrs. Standifer, Stokes, Daugherty, Barrett, Schlick, Middlebrook, Rieger, Hodges, English, Ponton, Stollenwerck, Murray of Wilson, Glenn, Pearson of Burnet, Ramsey, Wooten, Gibbs, Bryant, Davis of San Augustine, Hemphill, Blalock, Johnson, Worsham.

## CLAIMS AND ACCOUNTS.

Mr. Beaty, Chairman; Messrs. Holsey, Hurt, Bean, Talbot, Hendrick, Jones, Nowlin, Witcher, Murrell, English, Middlebrook, Williams.

## EXAMINATION OF COMPTROLLER'S AND TREASURER'S ACCOUNTS.

Mr. Brown of Falls, Chairman; Messrs. Murray of Burleson, Beaty, Jones, Hendrick, Low, Stokes, Holsey, Kubena, Alderdice, Johnson.

## PRIVATE LAND CLAIMS.

Mr. Brown of Kaufman, Chairman; Messrs. Bolin, Standifer, Williams, York, Schlick, Anthony, Stollenwerck, Bean.

## ENGROSSED BILLS.

Mr. Isaacks, Chairman; Messrs. Mulkey, Trice, Ainsworth, Hagan.

## ENROLLED BILLS.

Mr. Sanders, Chairman; Messrs. Gilliam, Talbot, Pickett, Sevier.

## CONTINGENT EXPENSES.

Mr. Terrell of McLennan, Chairman; Messrs. Tharp, Calvin, Murray of Burleson, Bean, Beaty, Jackson, Meitzen, O'Quinn, Bryant.

## COMMITTEE ON RULES.

Mr. Shannon, Chairman; Messrs. Moran, Robertson of Williamson, Seabury, Green.

## AGRICULTURAL AFFAIRS.

Mr. Cunningham, Chairman; Messrs. Stewart, Daugherty, Crawford of Young, Holsey, Kyle, Blalock, Schlick, Edwards, Davis of San Augustine, Alderdice, Witcher, Robertson of Bell, Gilliam, Murray of Burleson, Strother, Guinn, Hagan, Meitzen, Wooten, Hemphill.

## PUBLIC DEBT.

Mr. Jones, Chairman; Messrs. Bryant, Miller of Milam, Fountain, Rowland, Anthony, Bolin, Hagan, Tarkington.

## COMMITTEE ON ASYLUMS.

Mr. Woods, Chairman; Messrs. Worsham, Cobbs, Fountain, Miller of Milam, Brown of Kaufman, Crawford of Young, Jones, Peeler, Bryant, Bean, Stewart, Brown of Falls, Bennett, Hemphill, Holsey, Browne of Karnes, York, Beaty, Bryan.

## JUDICIAL DISTRICTS.

Mr. Pierson of Hunt, Chairman; Messrs. Cottrell, Sevier, Nicholson, Randolph, Knight, Hodges, Davis of San Augustine, Sanford, Johnson, Nelms, Chesley, Brelsford, Rieger, Onion, Pickett, Davis of Brown, Trice, Browne of Karnes.

## INSURANCE, STATISTICS AND HISTORY.

Mr. Nelms, Chairman; Messrs. Mulkey, Isaacks, Rochelle, Linn, Alderdice, Barrett, Love, Rieger, Hancock, Kubena, Pearson of Burnet.

## STOCK AND STOCK RAISING.

Mr. Ware, Chairman; Messrs. Hudspeth, Rice, Bennett, Sevier, Bridgers, Jackson, Rieger, Daugherty, English, Gilliam, Bryant, Timon, Davis of Brown, Crawford of Young, Sanford, Roberts.

## COUNTIES AND COUNTY BOUNDARIES.

Mr. Mays, Chairman; Messrs. Bryant, Trice, Bryan, Adair, Rochelle, Bridgers, Middlebrook, Roberts, Hurt, Schlick, Hudspeth, Hoskins, Boyd.

## PENITENTIARIES.

Mr. Guinn, Chairman; Messrs. Terrell of McLennan, O'Quinn, Standifer, Shannon, Meachum, Jones, Crawford of Robertson, Gilliam, Hendrick, Potter, Fowler, Bryant, Linn, Holsey, Murrell, Murray of Wilson, Reese, Tharp, Witcher, Anthony, Adair, Hagan, Hoskins, Perry, Love, Marsh.

## MILITARY AFFAIRS.

Mr. Stollenwerck, Chairman; Messrs. Holsey, Egan, Adair, Connally, Bryant, Perry, Ponton, Kyle, Reese.

## TOWNS AND CITY CORPORATIONS.

Mr. Hancock, Chairman; Messrs. Williams, Ainsworth, Linn, Cottrell, Peeler, Duff, Mays, Stokes, Cobbs, Standifer, Ragland, Rice, Potter.

## MINING AND MINERALS.

Mr. Baines, Chairman; Messrs. Peeler, Gray, Russell, Pearson of Burnett, Nicholson, Adair, Edwards, Gibbs, Grisham, Kyle, Miller of Howard, Perry.

## IRRIGATION.

Mr. Pickett, Chairman; Messrs. Nicholson, Terrell of McLennan, York, Duff, Kubena, Timon, Onion, Griggs, Nowlin, O'Quinn, Russell, Perry, Miller of Howard.

## LABOR.

Mr. Callan, Chairman; Messrs. Fowler, Hancock, Tarkington, Egan, Ramsey, Blalock, Isaacks, Hoskins, Meitzen, Bridgers.

## RAILROAD COMMISSION.

Mr. Moran, Chairman; Messrs. Stell, Fowler, Terrell of Travis, Ragland, Low, Stewart, Talbot, Pierson of Hunt, Stokes, Fountain, Grisham, Hemphill, Egan, Sanders, Daugherty, Strother, Green.

## FEDERAL RELATIONS.

Mr. Calvin, Chairman; Messrs. Bryant, Duff, Gibbs, Grisham, Harris, Hendrick, Love, Fountain, Cunningham.



# LIST OF REPRESENTATIVES.

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|     |                    |               |                 |    |                       |       |           |                                                                                                              |
|-----|--------------------|---------------|-----------------|----|-----------------------|-------|-----------|--------------------------------------------------------------------------------------------------------------|
| 28  | Fowler, G. R.      | Palestine.    | Texas.          | 57 | Lawyer.               | 27    | Democrat. | Anderson.                                                                                                    |
| 84  | Gibbs, W. P.       | Gordon.       | Missouri.       | 52 | Lawyer.               | 26    | Democrat. | Palo Pinto, Stephens and Shackelford.                                                                        |
| 29  | Gilliam, H. T.     | Athens.       | Texas.          | 32 | Teacher.              | 33    | Democrat. | Henderson.                                                                                                   |
| 49  | Glenn, C. O.       | Sealy.        | Texas.          | 40 | Teacher.              | 40    | Democrat. | Austin.                                                                                                      |
| 88  | Gray, Buck.        | Cherokee.     | Texas.          | 46 | Farmer and stock R.   | 46    | Democrat. | Lampasas, San Saba, Mason and McCulloch.                                                                     |
| 55  | Green, John M.     | Yoakum.       | Texas.          | 41 | Lawyer.               | 41    | Democrat. | DeWitt.                                                                                                      |
| 24  | Griggs Geo. B.     | Houston.      | Georgia.        | 4  | Lawyer.               | 13    | Democrat. | Harris.                                                                                                      |
| 34  | Grisham, J. N.     | McKinney.     | Texas.          | 33 | Lawyer.               | 33    | Democrat. | Collin.                                                                                                      |
| 16  | Gulnn, Frank B.    | Rusk.         | Texas.          | 46 | Lawyer.               | 46    | Democrat. | Cherokee.                                                                                                    |
| 25  | Hagan, Lon A.      | Richmond.     | Texas.          | 28 | Attorney.             | 28    | Democrat. | Fort Bend and Waller.                                                                                        |
| 37  | Hancock, Curtis.   | Dallas.       | Texas.          | 30 | Lawyer.               | 30    | Democrat. | Dallas.                                                                                                      |
| 23  | Harris, Edward F.  | Galveston.    | New York.       | 40 | Lawyer.               | 40    | Democrat. | Galveston.                                                                                                   |
| 39  | Hemphill, J. B.    | Avalon.       | Mississippi.    | 44 | Lawyer.               | 24    | Democrat. | Ellis.                                                                                                       |
| 15  | Hendrick, S. J.    | Henderson.    | Texas.          | 55 | Lawyer.               | 27th. | Democrat. | Rusk.                                                                                                        |
| 4   | Hodges, W. M.      | Paris.        | Mississippi.    | 38 | Lawyer.               | 30    | Democrat. | Lamar.                                                                                                       |
| 40  | Holsey, Walter R.  | Powell.       | Georgia.        | 35 | Merchant and farmer.  | 30    | Democrat. | Navarro.                                                                                                     |
| 24  | Hoskins, Rockwell. | Cedar Bayou.  | Connecticut.    | 40 | Farmer and stock R.   | 30    | Democrat. | Harris.                                                                                                      |
| 108 | Hudson, Less L.    | Fort Worth.   | Texas.          | 30 | Lawyer.               | 30    | Democrat. | Tarrant, Denton, Cooke and Wise.                                                                             |
| 102 | Hudspeth, O. B.    | Ozona.        | Texas.          | 25 | Stockman.             | 25    | Democrat. | Tom Green, Crockett, Schleicher, Sutton, Menard, Concho, Reynolds, Coke, Sterling, Irion and West Tom Green. |
| 7   | Hurt, J. W.        | Bloomberg.    | South Carolina. | 60 | Farmer.               | 33    | Democrat. | Cass.                                                                                                        |
| 59  | Isaacks, S. J.     | Elgin.        | Texas.          | 53 | Lawyer.               | 33    | Democrat. | Bastrop.                                                                                                     |
| 70  | Jackson, Phil.     | Granbury.     | Arkansas.       | 51 | Stockman and farmer.  | 39    | Democrat. | Hood, Somervell and Erath.                                                                                   |
| 47  | Johnson, Dr. J. M. | Giddings.     | Texas.          | 53 | Physician.            | 33    | Democrat. | Washington and Lee.                                                                                          |
| 14  | Jones, J. Ras.     | Pine Hill.    | Georgia.        | 68 | Farmer.               | 36    | Democrat. | Fanola.                                                                                                      |
| 74  | Knight, W. M.      | Meridian.     | New Hampshire.  | 45 | Lawyer.               | 32    | Democrat. | Bosque and Johnson.                                                                                          |
| 96  | Kubert, John R.    | Fayetteville. | Ronemia.        | 24 | Merchant.             | 27    | Democrat. | Fayette, Gonzales and Bastrop.                                                                               |
| 90  | Kyle, Perg.        | Glyde.        | Mississippi.    | 60 | Farmer.               | 59    | Democrat. | Hayes and Comal.                                                                                             |
| 37  | Linn, John E.      | Auston.       | Texas.          | 46 | Attorney.             | 46    | Democrat. | Galveston.                                                                                                   |
| 46  | Loft, T. B.        | Dallas.       | Missouri.       | 32 | Attorney.             | 3     | Democrat. | Walsh.                                                                                                       |
| 12  | Marsh, V. H.       | Hranam.       | Tennessee.      | 53 | Attorney and buggies. | 32    | Democrat. | Washington.                                                                                                  |
| 40  | Mays, Richard.     | Corsicana.    | Texas.          | 26 | Farmer.               | 51    | Democrat. | Smith.                                                                                                       |
| 44  | McCham, McDonald.  | Navasota.     | Florida.        | 28 | Lawyer.               | 18    | Democrat. | Navarro.                                                                                                     |
| 57  | Meiden, Max.       | Fayetteville. | Texas.          | 28 | Lawyer.               | 28    | Democrat. | Grimes.                                                                                                      |
| 17  | Middlebrook, V. E. | Nacogdoches.  | Germany.        | 58 | Lawyer and farmer.    | 24    | Democrat. | Fayette.                                                                                                     |
| 101 | Miller, W. J.      | Big Springs.  | Tennessee.      | 59 | Land agent.           | 47    | Democrat. | Nacogdoches.                                                                                                 |
| 64  | Miller, G. S.      | Gause.        | Illinois.       | 33 | Physician.            | 10    | Democrat. | Howard.                                                                                                      |
| 77  | Moran, H. S.       | Weatherford.  | West Virginia.  | 52 | Attorney.             | 29    | Democrat. | Miller.                                                                                                      |
| 33  | Mulkey, O. C.      | Commerce.     | Tennessee.      | 42 | Attorney.             | 29    | Democrat. | Parker.                                                                                                      |
| 48  | Murray, A. C.      | Caldwell.     | Virginia.       | 54 | Farmer.               | 32    | Democrat. | Hunt.                                                                                                        |
| 93  | Murray, W. O.      | Floresville.  | Missouri.       | 45 | Merchant.             | 48    | Democrat. | Burleson.                                                                                                    |
| 81  | Murrell, J. C.     | Gainesville.  | Missouri.       | 46 | Farmer.               | 45    | Democrat. | Wilson and Atascosa.                                                                                         |
| 11  | Napier, T. H.      | Winnboro.     | Texas.          | 31 | Editor.               | 31    | Democrat. | Cooke.                                                                                                       |
| 29  | Neilms, Hayne.     | Groveton.     | Texas.          | 32 | Lawyer.               | 32    | Democrat. | Wood.                                                                                                        |
| 90  | Nicholson, J. O.   | Laredo.       | Illinois.       | 55 | Lawyer.               | 32    | Democrat. | Walker, Trinity and Montgomery.                                                                              |
|     |                    |               |                 |    |                       | 27th. | Democrat. | Webb.                                                                                                        |

## LIST OF REPRESENTATIVES.

LIST OF REPRESENTATIVES OF THE TWENTY-EIGHTH LEGISLATURE—continued.

| District No. | Name.                | Postoffice.      | Nativity.    | Age. | Occupation.                | Years in Texas. | Member of former Legislatures. | Politics. | Counties composing district.                                                             |
|--------------|----------------------|------------------|--------------|------|----------------------------|-----------------|--------------------------------|-----------|------------------------------------------------------------------------------------------|
| 96           | Nowlin, H. M.        | Center Point.    | Illinois.    | 42   | Farm'r and Stockman.       | 42              | 27th                           | Ind. Rep. | Kerr, Kendall, Bandera, Kimble and Edwards.                                              |
| 98           | Oaton, J. F.         | San Antonio.     | Indiana.     | 39   | Lawyer.                    | 25              | 23rd                           | Democrat. | Bexar.                                                                                   |
| 99           | O'Quinn, W. B.       | Lufkin.          | Texas.       | 38   | Lawyer.                    | 35              | 27th                           | Democrat. | Angelina, Polk, San Augustine and Sabine.                                                |
| 61           | Peeler, J. L.        | Austin.          | Georgia.     | 42   | Lawyer.                    | 36              | 27th                           | Democrat. | Travis.                                                                                  |
| 53           | Perry, E. L.         | Velasco.         | Texas.       | 38   | Dealer in lands and loans. | 36              | 27th                           | Democrat. | Brazoria and Matagorda.                                                                  |
| 63           | Pearson, C. C.       | Burnet.          | Texas.       | 41   | Stockman.                  | 41              | 27th                           | Democrat. | Burnet and Williamson.                                                                   |
| 33           | Pelrson, William.    | Greenville.      | Texas.       | 31   | Lawyer.                    | 31              | 27th                           | Democrat. | Hunt.                                                                                    |
| 21           | Pickett, E. B., Jr.  | Liberty.         | Texas.       | 25   | Lawyer.                    | 25              | 27th                           | Democrat. | Liberty, Tyler, Hardin and Chambers.                                                     |
| 52           | Ponton, T. J.        | Hallettsville.   | Texas.       | 27   | Teacher.                   | 27              | 27th                           | Democrat. | Lavaca and Wharton.                                                                      |
| 13           | Potter, W. T.        | Tyler.           | Tennessee.   | 38   | Attorney.                  | 38              | 27th                           | Democrat. | Smith and Gregg.                                                                         |
| 10           | Regland, B. A.       | Gilmer.          | Texas.       | 29   | Publisher.                 | 29              | 27th                           | Democrat. | Camp and Upshur.                                                                         |
| 18           | Ramsey, Sidney L.    | Timpson.         | Texas.       | 29   | Teacher.                   | 29              | 27th                           | Democrat. | Shelby.                                                                                  |
| 43           | Randolph, Jerry.     | Madisonville.    | Texas.       | 28   | Lawyer.                    | 28              | 27th                           | Democrat. | Leon and Madison.                                                                        |
| 48           | Reese, J. W.         | Royse.           | Texas.       | 33   | Lawyer.                    | 33              | 27th                           | Democrat. | Rockwall and Dallas.                                                                     |
| 73           | Rice, E. A.          | Cleburne.        | Texas.       | 23   | Lawyer.                    | 23              | 27th                           | Democrat. | Johnson.                                                                                 |
| 86           | Rieger, J. M.        | Comanche.        | Texas.       | 34   | Lawyer.                    | 34              | 27th                           | Democrat. | Comanche.                                                                                |
| 105          | Roberts, J. O.       | Crowell.         | Missouri.    | 62   | Lawyer and farmer.         | 45              | 27th                           | Democrat. | Willbarger, Childress, Motley, Foard, Dickens, Wichita, Hardeman, Hall, Cottle and King. |
| 70           | Robertson, Huling P. | Temple.          | Texas.       | 45   | Lawyer.                    | 45              | 26th                           | Democrat. | Bell.                                                                                    |
| 70           | Robertson, W. F.     | Taylor.          | Tennessee.   | 43   | Teacher.                   | 19              | 27th                           | Democrat. | Williamson.                                                                              |
| 82           | Rochelle, W. O.      | Paris.           | Texas.       | 43   | Lawyer.                    | 29              | 27th and 27th                  | Democrat. | Bowie.                                                                                   |
| 86           | Rosland, J. T.       | Noc. na.         | Missouri.    | 47   | Farmer and stock R.        | 27              | 27th                           | Democrat. | Montague.                                                                                |
| 90           | Russell, W. J.       | Brownsville.     | Texas.       | 37   | Farmer and stock R.        | 27              | 27th, 26th, 27th.              | Democrat. | Camargo, Hidalgo, Starr and Zapata.                                                      |
| 30           | Sanders, M. G.       | Canton.          | Texas.       | 34   | Lawyer.                    | 34              | 27th                           | Democrat. | Van Zandt.                                                                               |
| 50           | Sandoz, J. R.        | Golden Pass.     | Texas.       | 33   | Lawyer.                    | 33              | 27th                           | Democrat. | Maverick.                                                                                |
| 58           | Schlick, F. A.       | Georgetown.      | Germany.     | 63   | Farmer.                    | 58              | 25th and 27th                  | Democrat. | Groesbeck and Harrison.                                                                  |
| 8            | Schuler, I. S.       | Jefferson.       | Texas.       | 52   | Lawyer.                    | 52              | 24th and 27th                  | Democrat. | Carson, Hidalgo, Starr and Zapata.                                                       |
| 95           | Seabury, F. W.       | Rio Grande City. | Virginia.    | 34   | Lawyer.                    | 12              | 24th, 25th, 27th.              | Democrat. | Uvalde, Medina, Zavala, Dimmit, La Salle, Frio and McMullen.                             |
| 97           | Sovier, Hal.         | Sabinal.         | Tennessee.   | 24   | Journalist.                | 6               | 24th, 25th, 27th.              | Democrat. | La Salle, Frio and McMullen.                                                             |
| 70           | Shannon, W. T.       | Belton.          | Texas.       | 47   | Lawyer.                    | 47              | 24th and 27th                  | Democrat. | Bell.                                                                                    |
| 70           | Smith, Emory O.      | Denton.          | Alabama.     | 56   | Lawyer.                    | 32              | 23rd and 24th                  | Democrat. | Denton.                                                                                  |
| 35           | Standifer, Ike M.    | Denison.         | Mississippi. | 43   | Attorney.                  | 32              | Senate.                        | Democrat. | Grayson.                                                                                 |

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|----|--------------------|------------------|-----------------|----|-----------------------|----|--------------------------------|-------------|----------------------------------------------|
| 5  | Stell, Aubrey T.   | Cooper.          | Texas.          | 23 | Lawyer                | 26 | 37th                           | Democrat.   | Delta, Hopkins and Franklin.                 |
| 6  | Stewart, Clarence. | Grapevine.       | Texas.          | 22 | Farmer                | 42 | 26th and 27th                  | Democrat.   | Tarrant.                                     |
| 7  | Stotes, C. C.      | Rockett.         | Texas.          | 30 | Farmer and C. E. & S. | 30 | 27th                           | Democrat.   | Funston.                                     |
| 8  | Sollenweger, J. W. | Hillsboro.       | Alabama.        | 32 | Lawyer                | 19 | 27th and 27th                  | Democrat.   | Gill.                                        |
| 9  | Sprouler, J. S.    | Stall.           | Alabama.        | 32 | Farmer                | 49 | 27th                           | Democrat.   | Hallas.                                      |
| 10 | Talbot, Ray, Ed.   | Stall.           | Texas.          | 33 | Journalist.           | 33 | 27th                           | Democrat.   | Wise.                                        |
| 11 | Tarkenton, Ed.     | Williamsburg.    | North Carolina. | 63 | Farmer                | 49 | 27th                           | Populist.   | Mesa.                                        |
| 12 | Terrell, H. H.     | West.            | Texas.          | 33 | Merchant.             | 33 | 27th                           | Democrat.   | Melanan.                                     |
| 13 | Terrell, A. W.     | Aus in.          | Virginia.       | 79 | Retired Lawyer.       | 50 | 8 years in Senate and 1 year   | Democrat.   | Travis.                                      |
| 14 | Tharp, Josh F. A.  | Gatesville.      | Georgia.        | 33 | Farmer and Teacher.   | 25 | (1891) in House.               | Democrat.   | Corvell.                                     |
| 15 | Timon, Walter F.   | Corpus Christi.  | Texas.          | 28 | Law'r and Stockman    | 28 | 27th                           | Democrat.   | San Patricio, Nueces, Aransas and Duval.     |
| 16 | Trice, C. A.       | Clarksville.     | Mississippi.    | 27 | Lawyer                | 25 | 25                             | Democrat.   | Red River.                                   |
| 17 | Ware, W. R.        | Clarendon.       | Tennessee.      | 35 | Lawyer                | 10 | 23rd                           | Democrat.   | Guadalupe.                                   |
| 18 | Weart, F. O.       | Seguin.          | Texas.          | 49 | Lawyer                | 19 | 23rd                           | Democrat.   | Tarrant.                                     |
| 19 | Williams, W. D.    | Fort Worth.      | Kentucky.       | 45 | Lawyer                | 28 | 23rd                           | Democrat.   | Grayson.                                     |
| 20 | Witcher, J. C.     | Bells.           | Virginia.       | 63 | Farmer and m'rch't.   | 45 | 8th House, 23rd, 24th and 25th | Democrat.   | Grayson.                                     |
| 21 | Woods, J. D.       | Sherman.         | Tennessee.      | 68 | Lawyer                | 45 | Senate.                        | Democrat.   | Colorado.                                    |
| 22 | Wooten, J. R.      | Columbus.        | Alabama.        | 41 | Lawyer                | 21 | 21                             | Democrat.   | Hopkins.                                     |
| 23 | Worsham, J. A.     | Sulphur Springs. | Texas.          | 21 | Teacher               | 21 | 21                             | Republican. | Jackson, Victoria, Calhoun, Refugio and Bee. |
| 24 | York, O. S.        | Edna.            | Texas.          | 44 | Lawyer                | 44 | 44                             |             |                                              |

## OFFICERS OF THE HOUSE.

| Name.                      | Postoffice.   | Nativity. | Age. | Occupation.           | Years in Texas. | Served in other sessions.          | Politics. | Official position.          |
|----------------------------|---------------|-----------|------|-----------------------|-----------------|------------------------------------|-----------|-----------------------------|
| Bob Barker.....            | San Antonio.  | Texas.    | 28   | Stockman and farmer.  | 28              | .....                              | Dem.      | Chief Clerk.                |
| John R. Southwell.....     | Lott.         | Alabama   | 48   | Farmer and marketman. | 28              | .....                              | Dem.      | Sergeant-at Arms.           |
| Roy V. Crowder.....        | Dangerfield.  | Texas.    | 27   | Lawyer.               | 37              | .....                              | Dem.      | Assistant Sergeant-at-Arms. |
| Mark Logan.....            | Hamilton      | Georgia.  | 36   | Attorney.             | 27              | .....                              | Dem.      | Reading Clerk.              |
| Lee Satterwhite.....       | Wortham       | Arkansas  | 32   | Editor.               | 18              | 26th and 27th House                | Dem.      | Assistant Reading Clerk.    |
| Marshall Burney.....       | Amphion.      | Alabama   | 51   | Teacher.              | 28              | Member of 27th Legislature         | Dem.      | Journal Clerk.              |
| J. L. Robinson.....        | Jewett.       | Texas.    | 39   | Printer and farmer.   | 28              | 21, 22, 23, 24, 25, 26, 27th House | Dem.      | Assistant Journal Clerk.    |
| Riden L. Childs.....       | Fairfield     | Texas.    | 21   | Anything.             | 38              | 23, 24, 25, 26, 27th House         | Dem.      | Calendar Clerk.             |
| J. E. McFarland.....       | Jacksonville. | Texas.    | 31   | Newspaper man.        | 21              | Page 25th and 26th House           | Dem.      | Enrolling Clerk.            |
| R. L. Neal.....            | Cleburne.     | Tennessee | 8    | Attorney.             | 31              | 23, 24, 25, 27th House             | Dem.      | Doorkeeper.                 |
| M. G. Goss.....            | Terrell.      | Indiana   | 32   | Merchant.             | 8               | .....                              | Dem.      | Assistant Doorkeeper.       |
| Milton Brown.....          | Quintana.     | Georgia.  | 32   | Lawyer.               | 32              | 27th House                         | Dem.      | Postmaster.                 |
| Mrs. I. Barrow.....        | Austin.       | Brazil.   | 30   | Telegraph operator.   | 30              | .....                              | Dem.      | Assistant Postmaster.       |
| Miss Sallie I. Meador..... | Snyder.       | Virginia. | 32   | .....                 | 23              | .....                              | Dem.      | Chaplain.                   |
| Rev. L. L. Tucker.....     | .....         | .....     | 24   | .....                 | .....           | .....                              | .....     | .....                       |

## PRESS REPRESENTATIVES.

| Name.              | Residence.                    | Paper represented.                                        | Place of Nativity.       |    |
|--------------------|-------------------------------|-----------------------------------------------------------|--------------------------|----|
| Geo. Mendell, Jr.  | 710 Brazos Street.            | Houston Post.                                             | Independence, Missouri.  | 29 |
| Charles G. Norton. | 609 West Sixteenth Street.    | *Bureau (House Routine).                                  | San Antonio, Texas.      | 30 |
| W. M. Thornton.    | 1501 Colorado Street.         | *Bureau (Senate Routine).                                 | Austin, Texas.           | 31 |
| Tom Finly, Jr.     | 1403 Colorado Street.         | Galveston-Dallas News.                                    | Xenia, Illinois.         | 32 |
| Asher G. Smoot.    | 900 Rio Grande Street.        | Austin Evening News.                                      | Bowling Green, Kentucky. | 33 |
| W. D. Hornaday.    | 208 West Eighth Street.       | San Antonio Express.                                      | Indianapolis, Indiana.   | 34 |
| Jack A. Fernandez. | Eighteenth and Brazos Street. | Austin Statesman, Houston Chronicle, Fort Worth Register. | New Orleans, Louisiana.  | 35 |
| Harry Haynes.      | 411 East Eighth Street.       | Austin Statesman, Houston Chronicle.                      | Independence, Texas.     | 36 |
| R. A. McLaughlin.  | Avenue Hotel.                 | Austin Tribune and Houston Post.                          | Arnot, Pennsylvania.     | 37 |
| A. C. Baldwin.     | 304 East Ninth.               | Austin Statesman.                                         | Mechoppen, Pennsylvania. | 38 |
| Fred B. Robinson.  | Avenue Hotel.                 | Waco Times-Herald.                                        | Huntsville, Texas.       | 39 |

\* Bureau serves Galveston News, Dallas News, Houston Post and San Antonio Express.



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CONSTITUTION  
OF  
THE STATE OF TEXAS.

---

PREAMBLE.

HUMBLY invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. All free men when they form a social compact have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship

Almighty God according to the dictates of their own conscience. No man shall be compelled to attend; erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

SEC. 8. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining the witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privilege or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised except by due course of the law of the land.

SEC. 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

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SEC. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

## THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, towit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

## ARTICLE III.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

SEC. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when, or at any apportionment thereafter, the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every fifteen thousand inhabitants; *provided*, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. The Senators shall be chosen by the qualified electors for the

term of four years, but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Senators shall be chosen biennially thereafter.

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. The Legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the Governor.

SEC. 6. No person shall be a Senator unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a Representative unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of the Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members; and each house shall choose its other officers.

SEC. 10. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings, and pub-

lish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur in either house, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

SEC. 14. Senators and Representatives shall, except in cases of treason, felony or breach of peace, be privileged from arrest during the session of the Legislature, and in going to and coming from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 15. Each house may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; *provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each house shall be open, except the Senate when in executive session.

SEC. 17. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which may have been increased during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment of which may be made, in whole or in part, by either branch of the Legislature; and no member of either house shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall

be eligible to the Legislature, or to any office of profit or trust under the State government until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either house.

SEC. 22. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 23. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Section 13 of this article.

SEC. 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The State shall be divided into senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator, and no single county shall be entitled to more than one Senator.

SEC. 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; *provided*, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate representative district, and when two or more counties are

required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of Sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be and it is hereby divided into senatorial and representative districts as provided by an ordinance of the convention on that subject.

#### PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be, "Be it enacted by the Legislature of Texas."

SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

SEC. 31. Bills may originate in either house, and when passed by such house may be amended, altered or rejected by the other.

SEC. 32. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 33. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title;

but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

SEC. 37. No bill shall be considered unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless, in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

SEC. 41. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

#### REQUIREMENTS AND LIMITATIONS.

SEC. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; *provided*, that in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by Sections 35 and 36 of this article.

SEC. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual on a claim real or pretended, when the same shall not have been provided for by pre-existing law; nor

employ any one in the name of the State unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State; as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt, and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith;

The support of the Blind Asylum, the Deaf and Dumb Asylum, and the Insane Asylum; the State cemetery and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of; or to any person, association or corporation, whether municipal or other; or to pledge the credit of the State, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporations whatsoever.

SEC. 51. The legislature shall have no power to make any grant, or authorize

the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever; *provided*, that this shall not be so construed as to prevent the grant of aid in case of public calamity. [Const. 1876.]

[Sec. 51, Art. 3, adopted December 1, 1898.]

SEC. 51. The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, associations or individuals, municipal or other corporations whatsoever; *provided*, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1880, and who are either over sixty years of age, or whose disability is the proximate result of actual service in the Confederate army for a period of at least three months, their widows in indigent circumstances who have never re-married, and who have been bona fide residents of the State of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1880, *provided*, said aid shall not exceed eight dollars per month; and *porvided*, further, that no appropriation shall ever be made for the purpose hereinbefore specified in excess of two hundred and fifty thousand dollars for any one year. And also grant aid to the establishment and maintenance of a home for said soldiers and sailors, under such regulations and limitations as may be provided by law; *provided*, the grant to aid said home shall not exceed one hundred thousand dollars for any one year; and no inmate of said home shall be entitled to any other aid from the State; and *provided*, further, that the provisions of this section shall not be construed to prevent the grant of aid in case of public calamity.

SEC. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation or subdivision of the State, to lend its credit or to grant public money or thing of value, in aid or to any individual, association or corporation whatsoever; or to become a stockholder in such corporation, association or company.

SEC. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract made without authority of law.

SEC. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in any wise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual to this State, or to any county, or other municipal corporation therein.

SEC. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing—

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards, or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the power and duties of officers in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability; .

Giving effect to invalid wills or deeds;

Summoning and impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted; *provided*, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

#### ARTICLE IV.

##### EXECUTIVE DEPARTMENT.

SECTION 1. The executive department of the State shall consist of a Governor, who shall be the chief executive officer of the State; a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-General.

SEC. 2. All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted, by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen; and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under

sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

SEC. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture.

SEC. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, repel invasion, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall

conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason, and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature; *provided*, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate, during the first ten days of its session. If rejected said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate; or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of government, except when by act of the Legislature he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objection at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names

of the members voting for and against the bill shall be entered on journal of each house, respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return; in which case it shall be a law unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing such items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof, and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses; and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be president of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical

election and be duly qualified; or until the Governor impeached, absent or disabled shall be acquitted, return, or his disability removed.

SEC. 17. If, during the vacancy in the office of Governor, the Lieutenant-Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office.

SEC. 18. The Lieutenant-Governor or President of the Senate, succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term and service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The Attorney-General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent

any private corporation from exercising any power, or demanding or collecting any species of taxes, toll, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; *provided*, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The Comptroller of Public Accounts, the Treasurer and the Commissioner of the General Land Office, shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office, and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received into the State treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who at any time shall wilfully make a false report or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

## ARTICLE V.

## JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one supreme court, in a court of appeals, in district courts, in county courts, in commissioners' courts, in courts of justices of the peace, and in such other courts as may be established by law. The legislature may establish criminal district courts with such jurisdiction as it may prescribe, but no such courts shall be established unless the district includes a city containing at least thirty thousand inhabitants, as ascertained by the census of the United States or other official census; *provided*, such town or city shall support said criminal district courts when established. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction and organization now existing by law, until otherwise provided by law.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the supreme court unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court in this State, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their offices for six years, and shall each receive an annual salary of not more than three thousand five hundred and fifty dollars. In case of a vacancy in the office of chief justice or associate justice of the supreme court, the governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 3. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but shall only extend to civil cases of which the district courts have original or appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the district courts, in such cases and under such regulations as may be provided by law. The supreme court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of *mandamus* and all other writs necessary to enforce the jurisdiction of said court. The supreme court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October until the last Saturday in June of every year, at the seat of government, and at not more than two other places in the State.

SEC. 4. The supreme court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 5. The court of appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They shall be citizens of the United States and of this State; shall have arrived at the age of thirty years at the time of election; each shall have been a practicing lawyer, or a judge of a court in this State, or such judge and lawyer together, for at least seven years. Said judges shall hold their offices for a term of six years, and each of them shall receive an annual salary of three thousand five hundred and fifty dollars, which shall not be increased or diminished during their term of office.

SEC. 6. The court of appeals shall have appellate jurisdiction, co-extensive with the limits of the State, in all criminal cases, of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the county courts have original or appellate jurisdiction. In civil cases its opinions shall not be published unless the publication of such opinions be required by law. The court of appeals and the judges thereof shall have power to issue the writ of *habeas corpus*; and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of appeals shall have power, upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of appeals shall sit for the transaction of business from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State, at which the supreme court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 7. The State shall be divided into twenty-six judicial districts, which may be increased or diminished by the legislature. For each district there shall be elected by the qualified voters thereof, at a general election for members of the legislature, a judge, who shall be at least twenty-five years of age, and shall be a citizen of the United States, shall have been a practicing attorney or a judge of a court in this State for the period of four years, and shall have resided in the district in which he is elected for two years next before his election; shall reside in his district during his term of office; shall hold his office for the term of four years; shall receive an annual salary of twenty-five hundred dollars, which shall not be increased or diminished during his term of service; and shall hold the regular terms of court at one place in each county in the district twice in each year, in such manner as may be prescribed by law. The legislature shall have power by general act to authorize the holding of special terms, when necessary, and to provide for holding more than two terms of the court in any county, for the dispatch of business; and shall provide for the holding of district courts when the judge thereof is absent, or from any cause disabled or disqualified from presiding.

SEC. 8. The district court shall have original jurisdiction in criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; in cases of misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land, and for the enforcement of liens thereon; of all suits for trial of right to property levied on by virtue of writ of execution, sequestration or attachment, when the property levied on shall

be equal to or exceed in value five hundred dollars; and of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of *habeas corpus* in felony cases, *mandamus*, injunction, *certiorari*, and all writs necessary to enforce their jurisdiction. The district courts shall have appellate jurisdiction and general control in probate matters over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by the legislature. All cases now pending in the supreme court, of which the court of appeals has appellate jurisdiction under the provisions of this article, shall, as soon as practicable after the establishment of said court of appeals, be certified, and the records transmitted to the court of appeals, and shall be decided by such court of appeals as if the same had been originally appealed to such court. [Const. 1876.]

[Secs. 1, 2, 3, 4, 5, 6, 7, 8, Art. 5, declared September 22, 1891.]

SECTION 1. The judicial power of this State shall be vested in one supreme court, in courts of civil appeals, in a court of criminal appeals, in district courts, in county courts, in commissioners courts, in courts of justices of the peace, and in such other courts as may be provided by law. The criminal district courts of Galveston and Harris counties shall continue with the district, jurisdiction, and organization now existing by law until otherwise provided by law. The Legislature may establish such other courts as it may deem necessary, and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the supreme court unless he be, at the time of his election, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their office six years, or until their successors are elected and qualified, and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of chief justice of the supreme court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the supreme court who may be in office at the time this amendment

takes effect, shall continue in office until the expiration of their term of office under the present Constitution, and until their successors are elected and qualified.

SEC. 3. The supreme court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases in which the courts of civil appeals have appellate jurisdiction, under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law the appellate jurisdiction of the supreme court shall extend to questions of law arising in the cases in the courts of civil appeals in which the judges of any court of civil appeals may disagree, or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the State is held void. The supreme court and the justices thereof shall have power to issue writs of *habeas corpus* as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue writs of *mandamus*, *procedendo*, *certiorari*; and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the supreme court to issue writs of *quo warranto* and *mandamus* in such cases as may be specified, except as against the Governor of the State. The supreme court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the State. The supreme court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

SEC. 4. The court of criminal appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. Said judges shall have the same qualifications and receive the same salaries as the judges of the supreme court. They shall be elected by the qualified voters of the State at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the court of criminal appeals the Governor shall fill such vacancy by appointment for the unexpired term. The judges of the court of appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution and laws as judges of the court of criminal appeals.

SEC. 5. The court of criminal appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The court of criminal appeals and the judges thereof shall have the power to issue the writ of *habeas corpus*, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of criminal appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of criminal appeals shall sit for the transaction of business from the first monday in October to the last Saturday in June in each year, at the State capital and two other places (or the capital city) if the Legislature shall hereafter so provide. The court of criminal appeals shall appoint a clerk at each place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years unless sooner removed by the court for good cause, entered of record on the minutes of said court.

SEC. 6. The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a court of civil appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the supreme court. Said court of civil appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; *provided*, that the decision of such courts shall be conclusive on all questions of fact brought before them on appeal or error. Each of said courts of civil appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each court of civil appeals shall appoint a clerk, in the same manner as the clerk of the supreme court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the courts of civil appeals and criminal appeals, as herein provided for, the jurisdiction, power and organization and location of the supreme court, the court of appeals and the commission of appeals shall

continue as they were before the adoption of this amendment. All civil cases which may be pending in the court of appeals shall, as soon as practicable after the organization of the courts of civil appeals, be credited to and records thereof transmitted to the proper courts of civil appeals, to be decided by said courts. At the first session of the supreme court, the court of criminal appeals, and such of the courts of civil appeals which may be hereafter created under this article after the first election of the judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices for two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified; and thereafter each of the said judges shall hold his office for six years, as provided in this Constitution.

SEC. 7. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State for four years next preceding his election; who shall have resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who shall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general or special laws to authorize the holding of special terms of the court, or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of district court when the judge thereof is absent, or is from any cause disabled or disqualified from presiding. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

SEC. 8. The district court shall have original jurisdiction of all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial

of the right of property levied upon by virtue of any writ of execution, sequestration, or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof shall have power to issue writs of *habeas corpus*, *mandamus*, injunction, and *certiorari*, and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

SEC. 9. There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the State and county officers; and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee to be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the Legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested or where either of the parties may be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or where he shall have been counsel in the case. When the supreme court, or the appellate court, or any two of the members of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties

may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices shall be filled, as prescribed by law.

SEC. 12. All judges of the supreme court, court of appeals, and district court shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by the authority of "The State of Texas," and conclude "against the peace and dignity of the State." [Const. 1876.]

[Secs. 11 and 12, Art. 5, declared adopted September 22, 1891.]

SEC. 11. No judge shall sit in any case wherein he may be interested, or when either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the supreme court, the court of criminal appeals, the court of civil appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

SEC. 12. All judges of courts of this State [shall], by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude "against the peace and dignity of the State."

SEC. 13. Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be dis-

abled from sitting, the remainder of the jury shall have the power to render the verdict; *provided*, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters, a county judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The county court shall have original jurisdiction of all misdemeanors, of which exclusive original jurisdiction is not given to the justices' court, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the district courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from justices' courts, there shall be a trial *de novo* in the county court, and when the judgment rendered or fine imposed by the county court shall not exceed one hundred dollars, such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal, of which the county court has exclusive or concurrent original jurisdiction, an appeal shall lie to the court of appeals, under such regulations as may be prescribed by law. The county courts shall have the general jurisdiction of a probate court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the county courts or judges thereof, shall have power to issue writs of *mandamus*, injunction and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court, unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals,

in criminal cases, shall be to the criminal district courts, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district courts to the court of appeals. Any case pending in the county court, which the county judge may be disqualified to try, shall be transferred to the district court of the same county for trial; and where there exists any cause disqualifying the county judge for the trial of a cause of which the county court has jurisdiction, the district court of such county shall have original jurisdiction of such cause. [Const. 1876.]

[Sec. 16, Art. 5, declared adopted September 22, 1891.]

SEC. 16. The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices' court as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed \$500 and not exceed \$1000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from justices' courts there shall be a trial *de novo* in the county court, and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases, civil and criminal, of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the court of civil appeals, and in such criminal cases to the court of criminal appeals, with such exceptions and under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the county court or judge thereof shall have power to issue writs of injunction, *mandamus*, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law; and in such counties appeals from justices' courts and other infe-

rior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district court to the court of criminal appeals. When the judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

SEC. 17. The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors, and all indictments therefor returned into the district courts shall forthwith be certified to the county courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners court provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified; *provided*, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

SEC. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be *ex-officio* notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the commissioners court until the next general election for county and State officers; *provided*, that in counties having a population of less than eight thousand persons, there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of two years. In case of vacancy the commissioners court of the county shall have power to appoint a county attorney until the next general election. The county attorney shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the Legislature. The election may provide for the election of district attorneys in such districts as may be deemed necessary and make provision for the compensation of district attorneys and county attorneys; *provided*, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

SEC. 22. The Legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of

county courts; and in cases of any such change or jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the commissioners court until the next general election for county or State officers.

SEC. 24. County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables, and other county officers, may be removed by the judges of the district court for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The supreme court shall have power to make rules and regulations for the government of said court, and the other courts of the State, to regulate proceedings and expedite the dispatch of business therein. [Const. 1876.]

[Sec. 25, Art. 5, declared adopted September 22, 1891.]

SEC. 25. The supreme court shall have power to make and establish rules of procedure, not inconsistent with the laws of the State, for the government of said court and the other courts of this State, to expedite the dispatch of business therein.

SEC. 26. The State shall have no right of appeal in criminal cases.

SEC. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in district courts, over which jurisdiction is given by this Constitution to the county courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

SEC. 28. Vacancies in the offices of judges in the supreme court, of the court of appeals, and district court, shall be filled by the Governor until the next succeeding general election; and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners court, until the next general election for such office. [Const. 1876.]

[Sec. 28, Art. 5, declared adopted September 22, 1891.]

SEC. 28. Vacancies in the office of judges of the supreme court, the court of criminal appeals, the court of civil appeals, and district courts, shall be filled by the Governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners court until the next general election for such office.

[Sec. 29, Art. 5, declared adopted September 25, 1883.]

SEC. 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the commissioners court of the county under authority of law, and such other terms each year as may be fixed by the commissioners court; *provided*, the commissioners court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August, and November, and may remain in session three weeks.

## ARTICLE VI.

### SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this State, to wit:

First—Persons under twenty-one years of age.

Second—Idiots and lunatics.

Third—All paupers supported by any county.

Fourth—All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth—All soldiers, marines and seamen employed in the service of the army of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States, in accordance with the federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; *and provided further*, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election, and this provision of the Constitution shall be self-enacting without the necessity of further legislation.

[Sec. 2, Art. 6, declared adopted December 26, 1902.]

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector. And every male person of foreign birth, subject to none of the foregoing disqualifications, who, not less than six months before any election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes.

SEC. 3. All qualified electors in the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. In all elections by the people the votes shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot box; but no law shall ever be enacted requiring a registration of the voters of this State. [Const. 1876.]

[Sec. 4, Art. 6, declared adopted September 22, 1891.]

SEC. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot-box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

SEC. 5. Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

## ARTICLE VII.

### EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty

of the Legislature of the State to establish and make suitable provision for support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations, of any nature whatsoever one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools. [Const. 1876.]

[Sec. 3, Art. 7, declared adopted September 25, 1883.]

SEC. 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual *ad valorem* State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual *ad valorem* tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; *provided*, that two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund

shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund. [Const. 1876.]

[Sec. 4, Art. 7, declared adopted September 25, 1883.]

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in such State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be held responsible for all investments.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same, or any part thereof, ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in manner as may be provided by law. [Const. 1876.]

[Sec. 5, Art. 7, declared adopted September 22, 1891.]

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title

of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually. [Const. 1876.]

[Sec. 6, Art. 7, declared adopted September 25, 1883.]

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners court of the county. Actual settlers residing on said land shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public free schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon and other revenue, except the principal, shall be available fund.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The Governor, Comptroller and Secretary of State shall constitute a board of education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

#### ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands

and the investment of the proceeds in manner as provided for the sale and the investment of school lands in section four of this article.

## UNIVERSITY.

SEC. 10. The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State and styled "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; *provided*, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall at its next session make an appropriation not to exceed forty thousand dollars, for the construction and completion of the buildings and improve-

ments, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent university fund; and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

## ARTICLE VIII.

### TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; *provided*, that two hundred and fifty dollars worth of household and kitchen furniture belonging to each family in this State, shall be exempt from taxation, *and provided further*, that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for

school purposes (and the necessary furniture of all schools), and institutions of purely public charity, and all laws exempting property from taxation, other than the above property, shall be void.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriations of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature.

SEC. 7. The Legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or to in any manner divert from its purpose, any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation; and no county, city or town shall levy more than one-half of said State tax, except for the payment of debts already incurred, and for the erection of public building not to exceed fifty cents on the one hundred dollars in any one year, and except as in this Constitution is otherwise provided. [Const. 1876.]

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes,

and not to exceed fifteen cents for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided. [Amendment 1893.]

[Sec. 9, Art. 8, declared adopted December 19, 1890.]

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment, September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, water works, and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual *ad valorem* tax to be levied and collected for the further maintenance of the public roads; *provided*, that a majority of the qualified property tax-paying voters of the county, voting at an election to be held for that purpose, shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws.

SEC. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each house of the Legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the Legislature may by a two-thirds vote authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory not laid off into

counties shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; *provided*, that the former owner shall within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent tax-payer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected, to hold office for two years and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the county commissioners court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

[Sec. 19, Art. 8, declared adopted October 14, 1879.]

SEC. 19. Farm products in the hands of the producer and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elect of both houses of the Legislature.

## ARTICLE IX.

## COUNTIES.

SECTION 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of any county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

## COUNTY SEATS.

SEC. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county

to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

## ARTICLE X.

### RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road, to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties. [Const. 1876.]

[Sec. 2, Art. 10, declared adopted December 19, 1890.]

SEC. 2. Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

SEC. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amount owned by them respectively, the

amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously and the president or superintendent shall report annually under oath to the Comptroller or Governor their acts and doings which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; *provided*, such town or its citizens shall grant the right of way through its limits and a sufficient ground for ordinary depot purposes.

## ARTICLE XI.

## MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this State are hereby recognized as legal sub-divisions of the State.

SEC. 2. The construction of jails, court houses and bridges, and the establishment of county poor houses and farms and the laying out, construction and repairing of county roads, shall be provided for by general laws.

SEC. 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent., and shall be collectible only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns, shall be collectible only in current money.

SEC. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent. of the taxable property of such city; and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

SEC. 6. Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the tax-payers therein (to be ascertained as may be provided by law), to levy and collect

such tax for construction of sea walls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent. as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed or to be constructed in any locality.

SEC. 9. The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; *provided*, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support, and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the tax-payers of such city or town shall vote for such tax.

## ARTICLE XII.

### PRIVATE CORPORATIONS.

SECTION 1. No private corporation shall be created except by general law.

SEC. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. The right to authorize and regulate freight, tolls, wharfage, or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations for the use of highways, landings,

wharves, bridges and ferries, devoted to public use, has never been and never shall be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney General and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls or wharfage, shall at all times be subject to amendment, modification, or repeal by the Legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. Nothing in this article shall be construed to divest or affect rights guaranteed by any existing grant or statute, of this State, or of the Republic of Texas.

### ARTICLE XIII.

#### SPANISH AND MEXICAN LAND TITLES.

SECTION 1. All fines, penalties, forfeitures and escheats, which have heretofore accrued to the Republic and State of Texas, under their constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheat to the State shall, *ipso facto*, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3 and 4 of this article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record; or not duly archived in the General Land Office; or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such actual notice of such prior claim of title or right; and no condition annexed to such grants, nor archived, or recorded, or occupied as aforesaid, has been, or ever shall be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order

to maintain action thereon, and the holder of such junior title, or color of title, shall have the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. Non-payment of taxes on any claim of title to land dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words, "duly recorded," as used in Sections 2 and 4 of this article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants and titles of any kind which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain null and void.

SEC. 6. The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4 and 5 of this article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

## ARTICLE XIV.

### PUBLIC LANDS AND LAND OFFICE.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have ema-

nated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; *provided*, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed and patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road, and on failure of such company to comply with the terms of its charter, or to alienate its lands at a period fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

SEC. 4. No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railroad companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or

shall not hereafter be alienated, in conformity with the terms of their charters and the laws under which the grants were made, are hereby declared forfeited to the State, and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the Attorney General, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces river and the Rio Grande, and owning grants of land which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys and the plots thereof, and to return their field notes to the General Land Office, and all claimants failing to do so shall be forever barred; provided, nothing in this section shall be construed as to validate any titles not already valid, or to interfere with the rights of third persons.

## ARTICLE XV.

### IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Lieutenant-Governor, Attor-

ney General, Treasurer, Commissioner of the General Land Office, Comptroller, and the judges of the supreme court, court of appeals and district courts, shall be tried by the Senate.

SEC. 3. When the Senate is sitting as a court of impeachment, the Senators shall be under oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment in case of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision of the impeachment.

SEC. 6. Any judge of the district courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable manner the business in his courts, may be removed by the supreme court. The supreme court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths, taken before some judge of a court of record, of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the supreme court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to facts of creditable witnesses. The supreme court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes of which have not been provided in this Constitution.

#### ADDRESS.

SEC. 8. The judges of the supreme court, court of appeals and district courts, shall be removed by the Governor on the address of two-thirds of each house of the Legislature, for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; *provided,*

*however*, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each house; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the journals of each house, respectively.

## ARTICLE XVI.

### GENERAL PROVISIONS.

SECTION 1. Members of the Legislature and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, . . . . ., do solemnly swear (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon me as . . . . . according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm), that since the adoption of the Constitution of this State, I being a citizen of this State, have not fought a duel with deadly weapons, within this State or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly, paid, offered or promised to pay, contributed nor promised to contribute, any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or, if the office is one of appointment, to secure my appointment): So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The Legislature shall make provision whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out

of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement under oath, and an account of the receipts and expenditures of all public money, shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The Legislature shall in no case have power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual labor poor house and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the State or of the United States shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 10. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. The legal rate of interest shall not exceed eight per cent. per annum, in the absence of any contract as to the rate of interest; and by contract parties may agree upon any rate not to exceed twelve per cent. per annum. All interest charged above this last named rate shall be deemed usurious, and the Legislature shall at its first session provide appropriate pains and penalties to prevent and punish usury. [Const. 1876.]

[Sec. 11, Art. 16, declared adopted September 22, 1891.]

SEC. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum.

SEC. 12. No member of Congress, nor person holding or exercising any office of profit or trust under the United States or either of them, or under the foreign power, shall be eligible as a member of the Legislature or hold or exercise any office of profit or trust under this State.

SEC. 13. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. All civil officers shall reside within the State, and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife owned or claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges.

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action, which have been acquired under the Constitution and the laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred or declared null and void by the Constitution of the Republic and State, be reinvested, renewed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; *and provided further*, that no cause of action heretofore barred shall be revived.

SEC. 19. The Legislature shall prescribe by law the qualifications of grand and petit jurors.

SEC. 20. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town or city, by a majority vote from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits. [Const. 1876.]

[Sec. 20, Art. 16, declared adopted September 22, 1891.]

SEC. 20. The Legislature shall at its first session enact a law whereby the qualified voters of any county, justice's precinct, town, city (or such subdivision of a county as may be designated by the commissioners court of said county) may by a majority vote determine from time to time whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

SEC. 21. All stationery and printing, except proclamations and such printing as may be done at the deaf and dumb asylum, paper and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished and the printing and binding of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature and its committees, shall be performed

under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the Governor, Secretary of State and Comptroller.

SEC. 22. The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State or counties, as may be needed to meet the wants of the people.

SEC. 23. The Legislature may pass laws for the regulation of live stock and the protection of stock-raisers in the stock-raising portions of the State, and exempt from the operation of such laws other portions, sections or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands; *provided*, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them before it shall go into effect.

SEC. 24. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain or any other produce or article of commerce, in this State paid or allowed or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle man of any kind not the true and absolute owner thereof are forever prohibited and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for or respecting the same.

SEC. 26. Every person, corporation or company that may commit a homicide, through willful act or omission or gross neglect, shall be responsible in exemplary damages to the surviving husband, wife, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies to offices in this State, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years. [Const. 1876.]

[Sec. 30, Art. 16, declared adopted December 22, 1894.]

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years; *provided*, that when a railroad commission is created by law it shall be composed of three commissioners, who shall be elected by the people at a general election for State officers, and their term of office shall be six years; *provided*, railroad commissioners first elected after this amendment goes into effect, shall hold office as follows: One shall serve two years, and one four years, and one six years, their terms to be decided by lot, immediately after they shall have qualified. And one railroad commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

SEC. 31. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The Legislature may provide by law for the establishment of a board of health and vital statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States except as prescribed in this Constitution.

SEC. 34. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals or military stations or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35. The Legislature shall at its first session pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 36. The Legislature shall at its first session provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers of the public schools by the State, for services rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

SEC. 37. Mechanics, artisans and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics and History, whose term of office, duties and salary shall be prescribed by law.

SEC. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, printing, and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly, offer, give or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The Legislature may establish an inebriate asylum, for the cure of drunkenness and the reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The Legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in the State, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas which are not repugnant to the Constitution of the United States or to this Constitution, shall continue and remain in force as the laws of this State until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale, for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase money thereof, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or

village shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon; *provided*, that the same shall be used for the purpose of a home, or as a place to exercise the calling or business of the head of a family; *provided, also*, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the first of January, 1837; and also to the surviving signers of the declaration of independence of Texas; and to the surviving widows, continuing unmarried, of such soldiers and signers; *provided*, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

## ARTICLE XVII.

## MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which such newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for and make returns to the Secretary of the State of the number of legal votes cast at said election for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

CONSTITUTION  
OF  
THE UNITED STATES.

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PREAMBLE.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and have been a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they, by law, shall direct.

The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

### SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years. Each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the end of the fourth year, and the third class at the end of the sixth year—so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof shall make temporary appointments until the next meeting of the Legislature which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and have been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States, but the party convicted

shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

## SECTION IV.

1. The times, places and manners of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

## SECTION V.

1. Each house shall be the judge of the election of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy, and the yeas and nays of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

## SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, and no person holding any office under the United States shall be a member of either house during his continuance in office.

## SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approves, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the bill.

## SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and for the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and post roads.
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.
9. To constitute tribunals inferior to the supreme court.
10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
12. To raise and support armies, but no appropriations to that use shall be for a longer term than five years.
13. To provide and maintain a navy.
14. To make rules for the government and regulation of the land and naval forces.
15. To provide for the calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.
16. To provide for organizing, arming and disciplining the militia and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.
17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by consent of the Legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, and
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

## SECTION IX.

1. The migration or importation of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.
2. The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.
3. No bill of attainder or *ex post facto* law shall be passed.
4. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear or pay duties to another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument or title of any kind whatever from any king, prince or foreign state.

#### SECTION X.

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or contract with another State, or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

### ARTICLE II.

#### SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. (Annulled. See Amendments, Article XII.)

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. Before he enters on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

## SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States, and the militia of the several States when called into the active service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors and other public ministers and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session.

#### SECTION III.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them in such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the law be faithfully executed, and shall commission all officers of the United States.

#### SECTION IV.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery and other high crimes and misdemeanors.

### ARTICLE III.

#### SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

#### SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other ministers and consuls; all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State, or citizen thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and con-

suls, and those in which a State shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned the supreme court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by a jury, and such trial shall be held in the State where said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

#### SECTION III.

1. Treason against the United States shall consist in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses of the same overt act, or in confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

### ARTICLE IV.

#### SECTION I.

Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved and the effects thereof.

#### SECTION II.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping in another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### SECTION III.

1. New States may be admitted by Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other

State, nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

#### SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both in the United States and in the several States, shall be bound

by oath, or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

The ratification of the convention of nine States shall be sufficient for the establishment of this Constitution between States so ratifying the same.

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### AMENDMENTS TO THE CONSTITUTION.

#### ARTICLE I.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to peaceably assemble and to petition the government for a redress of grievances.

#### ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

#### ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

#### ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

#### ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be

subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

#### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States other than according to common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

#### ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

## ARTICLE XII.

## SECTION I.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

But in choosing the President the vote shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President.

## SECTION II.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

## SECTION III.

But no person constitutionally ineligible to the office of President shall be eligible to that of the Vice-President of the United States.

## ARTICLE XIII.

## SECTION I.

Neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

## SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.

## SECTION I.

All persons born or naturalized in the United States or subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States. Nor shall any State deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of the law.

## SECTION II.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, including Indians not taxed. But whenever the right to vote at any election for electors of President and Vice-President, or for United States Representatives in Congress, executive and judicial officers, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

## SECTION III.

No person shall be a Senator or Representative in Congress, elector of President or Vice-President, or hold office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and shall have engaged in insurrection or rebellion against the same, or given aid or

comfort to enemies thereof, but Congress may by vote of two-thirds of each house remove such disability.

#### SECTION IV.

The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, or obligations or claims, shall be held illegal and void.

#### ARTICLE XV.

##### SECTION I.

The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

##### SECTION II.

That Congress shall have power to enforce this article by appropriate legislation.



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April the 13/1909

The First

Female Bank

13 13 30

12 5 18



